

JOHN OF PARIS

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JOHN OF PARIS

Beyond Royal and Papal Power

Edited by

Chris Jones



BREPOLS

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For old friends, wherever they may be,
and for Bob and Len who taught me

‘... and fancy my selfe all along discourseing with you.’

John Aubrey to his friend Mr Anthony Wood (15 June 1680, London)

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I first encountered John of Paris as a callow youth in the History Department at the University of Durham. We were introduced by Dr Len Scales, who subsequently supervised an undergraduate dissertation on the reasons why John wrote his most famous tract, *On Royal and Papal Power*. My continuing puzzlement as to what those reasons were helped to inspire this volume. My interest in John and his thought was fanned by Dr Robert W. Dyson, of what was then Durham's Politics Department. Although I was never formally his student, from the day I first knocked on Bob's door and declared my interest in medieval political thought he proved remarkably willing to give up his time to discuss John and his contemporaries, and I benefitted immensely from those conversations. Despite numerous sidesteps, a serious flirtation with Marsilius of Padua, and dalliances with many a Parisian chronicler, I have always found myself drawn back to John and the window he opened for me onto the medieval world.

This particular volume took shape in a series of sessions devoted to John at the 2010 Leeds International Medieval Congress and was refined by the discussions those sessions facilitated between contributors. Its publication was, however, much delayed by the series of earthquakes that struck Christchurch, New Zealand, between September 2010 and mid-2011. It was 2014 before circumstances allowed for the work's completion. I would like to express my thanks to my colleagues past and present at the University of Canterbury, particularly Mark Francis, Philippa Mein Smith, Peter Field, Bronwyn Matthews, and Jenny Clement. And to the contributors, the publisher, and the editorial board for their patience and understanding in difficult circumstances. I am particularly grateful to the two anonymous readers and to my colleague Gwen Parsons for their sage advice and ability to spot inconsistencies. And, finally, to my mother, father, and sister Vanessa without whose love, support, and company in Surrey pubs I am certain I would never achieve anything at all.

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Christchurch, New Zealand

November 2014

NOTE CONCERNING CITATIONS OF JOHN PARIS'S *DE POTESTATE REGIA ET PAPALI*

De *potestate regia et papali* is available in two modern critical editions.¹ Neither is, however, entirely satisfactory.² While some disagreement exists between the editors, Jean Leclercq and Fritz Bleienstein, concerning the relationship between the nineteen manuscripts they were both aware of, neither appears to have known of a further fourteen manuscripts containing *De potestate*.³ The manuscript tradition remains underexplored. The oldest extant manuscript of the tract highlights this problem: neither editor remarks upon the fact that this contains an extended ending that does not appear in other manuscripts.⁴ Karl Ubl has gone so far as to propose that *De potestate* is a tract that exists in multiple recensions. These recensions are, effectively, conflated in the modern editions.⁵ References to *De potestate* in this volume will include the chapter number alongside page references in the form: *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, p. 83), in order to indicate whether individual contributors have preferred one particular critical edition or if both were employed.

¹ John Quidort of Paris, *De potestate regia et papali*, ed. by Leclercq, pp. 171–260; John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein.

² Concerning various problems with the Bleienstein edition, see Miethke, 'Review: Fritz Bleienstein, *Johannes Quidort von Paris*'. I am grateful to Karl Ubl who drew this review to my attention.

³ A complete list may be compiled from Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi*, II, no. 2578, p. 522 and IV, 166, supplemented by Miethke, 'Die Traktate "De potestate papae"', p. 209.

⁴ The common ending, 'sine qua papa non esset papa', is continued 'ex quibus [...]' at the seventh line from the bottom of BnF, MS lat. 18288, fol. 49^{rb} with the text ending on fol. 49^{rb}.

⁵ Ubl, 'Johannes Quidorts'.

English translations from *De potestate* are the contributors' own unless otherwise stated. Where an existing English translation has been used, the version prepared by John A. Watt has been preferred.⁶ Watt, as Bettina Koch notes in her contribution, employed both the existing Latin editions. Arthur P. Monahan's later translation fails to state clearly which of the two critical editions it is based on, though the lack of any references to the work of Bleienstein suggests that it follows Leclercq's edition.⁷

⁶ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt.

⁷ John Quidort of Paris, *On Royal and Papal Power*, trans. by Monahan.

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JOHN OF PARIS: THROUGH A GLASS, DARKLY?

Chris Jones

Who Was John of Paris? Life, Works, and Controversies

Little is known of John Quidort of Paris's academic career beyond his tenacious ability to solicit controversy. Less still can be said with confidence of his early life; even the decade of his birth remains uncertain. John's own writings indicate that he followed the university debates of the Dominican Peter of Tarentaise. Peter, who was briefly pope in 1276 as Innocent V, twice held the position of regent master in Theology at the University of Paris. John's comments are certainly connected with the second of these periods, between 1267 and 1269.¹ If it is assumed that John attended Peter's lectures in the early part of his career, this would suggest he was born either in the late 1240s or the early 1250s; his birth has, however, been put as late as 1269 by some historians.²

One of the key events to have taken place in John's life was undoubtedly his decision to join the Order of Preachers. Again, however, the exact date at which he entered the order remains unclear. There is some evidence that he may have joined the Dominicans only after becoming a master of arts.³ The sugges-

¹ Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 7. Concerning the dating of the specific quodlibet of Peter's referred to by John, see Friedman, 'Dominican Quodlibetal Literature', pp. 405–06. For an alternative view, which suggests that John may simply have heard about Peter's teachings, rather than attended his debates in person, see Martin, 'John of Paris', p. 136.

² For useful summaries of the debate over John's early life, see Roensch, *Early Thomistic School*, pp. 98–99; Cunningham, 'The "Real Distinction"', pp. 13–14.

³ Lajard, 'Jean de Paris, Dominicain', p. 248.

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tion is based on the wording of a sermon preached in 1304 at the *vesperie* preceding his reception to the Theology Faculty.⁴ Whether or not this interpretation is accepted, John's epithet, 'of Paris', would suggest the most likely convent at which he joined the order was its Parisian house, Saint-Jacques. Even if this was not the case, he doubtless originated in, or on the borders of, the French kingdom: in later life he came to occupy the chair in Theology reserved for Dominicans from the French province.⁵ Establishing the details of John's life and career is, however, complicated, more than it is clarified, by what has become his most common epithet.

As Francis Cunningham once remarked 'there were just too many people called John of Paris living at the end of the thirteenth century'. The problems arising from the somewhat unimaginative nomenclature employed in early fourteenth-century France are compounded in John's case by the fact that the 'John of Paris' of whom this collection of essays is the subject would appear to have been known by multiple names. Today he is often associated with another epithet in particular, 'Quidort' (*Johannes Dormiens*). At the time, however, he may also have been known as 'John the Deaf' or, perhaps due to his reputation, 'John the Heedless' (*Surdus, de Soardis*) and, most strikingly, 'John the One-Eyed Preacher' (*Predicator monoculus*).⁶ To add to the potential confusion introduced by multiple names, there were not one but two Dominican masters of theology named 'John of Paris' at this time. Our John has been sometimes conflated with an earlier namesake, known as 'John the Mule Skinner' (*Pointlasne, pungens asinum*).⁷ So, exactly who was 'John Quidort of Paris'? And to what extent is it possible to reconstruct an outline of John's career, his writings, and the controversies in which he became embroiled?

It is possible that John Quidort was the same 'John of Paris' whom Bertrand of Saint-Denis, one of four bishops who deprived him of his licence to teach at

⁴ 'Talis est noster Johannes, qui fuit famosus magister in artibus in vico straminum, antequam intraret religionem': ed. in Grabmann, *Studien zu Johannes Quidort von Paris*, p. 59; the full sermon is printed pp. 58–60. There were two other regent masters called 'John' in the Theology Faculty in 1304, but if we accept Grabmann's dating of the text, we can be certain that this sermon refers to John Quidort as he was the only one to actually *obtain* his licence in 1304 (see note 27 below); both John of Gand and John of He were regent masters in 1303: Glorieux, *Répertoire des Maîtres*, I (1933), 'Les Chaires de Théologie', table following p. 228.

⁵ Glorieux, *Répertoire des Maîtres*, I, table following p. 228.

⁶ Cunningham, 'The "Real Distinction"', pp. 12–13.

⁷ Lajard, 'Jean de Paris, Dominicain', p. 247. Although it has been suggested this was a family name shared by both men: Cunningham, 'The "Real Distinction"', p. 12, n. 26.

the end of his career, also prevented from obtaining a bachelor's degree in arts in 1290.⁸ The identification has been debated by historians, with no consensus having been reached.⁹ If this particular incident did concern John Quidort then 1290 would be a terminus a quo for the year he entered the Dominican order. The order operated its own arts course and its members could enter the Theology Faculty at Paris without obtaining qualifications in arts from the university.¹⁰ It is therefore unlikely that John — if it was indeed he — was a member of the order before the dispute with Bertrand took place: a Dominican would have been following a career path that made a confrontation over the award of his bachelor's degree unlikely.¹¹ The suggestion that this dispute involved John Quidort fits well with the idea that he joined the Dominican order later in life but, again, certainty eludes us.

One of the few dates in John's life that can be ascertained with any certainty is 26 June 1303. On this day he added his name to a petition calling for the arraignment of Pope Boniface VIII (r. 1294–1303) before a general council.¹² The petition was the product of the later stages of the conflict between Boniface and the French king Philip IV the Fair (r. 1285–1314). Philip and Boniface had squabbled in the mid-1290s over the King's right to tax the French clergy;¹³ in 1301 a much more serious conflict arose between them concerning royal rights over the Church.¹⁴ This second conflict signalled the end of the type of papal monarchy Pope Innocent III (r. 1198–1216) had envisioned in the early thirteenth century and marked the beginning of a long period of decline in papal prestige. John's adhesion to this petition is often viewed as an indicator of his political inclinations and evidence, above all, of his firm support for the French

⁸ Denifle and Chatelain, *Chartularium Universitatis Parisiensis*, II (1891), no. 569, pp. 43–46.

⁹ Glorieux is among those who dismiss the possibility that this 'John of Paris' should be identified as John Quidort: Glorieux, *Répertoire des Maîtres*, I, 189. For alternative views, see Lajard, 'Jean de Paris, Dominicain', p. 248; Cunningham, 'The "Real Distinction"', p. 13.

¹⁰ Leff, *Paris and Oxford Universities*, p. 36.

¹¹ For the most comprehensive study of Dominican education in this period, see Mulchahey, *First the Bow is Bent*.

¹² Denifle and Chatelain, *Chartularium Universitatis Parisiensis*, II, no. 634, pp. 101–02.

¹³ Boase, *Boniface VIII*, pp. 131–56; Strayer, *The Reign of Philip the Fair*, pp. 251–55; Favier, *Philippe Le Bel*, pp. 274–86; Paravicini Bagliani, *Boniface VIII*, pp. 139–55.

¹⁴ Boase, *Boniface VIII*, pp. 297–351; Strayer, *The Reign of Philip the Fair*, pp. 260–79; Favier, *Philippe Le Bel*, pp. 318–28, 343–93; Paravicini Bagliani, *Boniface VIII*, pp. 299–325. For the most recent overview of the conflict, see Thieulloy, *Le pape et le roi*.

monarchy.¹⁵ It would, however, be a mistake to draw any firm conclusions about John's political views simply from his association with this one document.

The 1303 petition establishes that John was a member of the Dominican convent of Saint-Jacques by that date. It may not, however, tell us much more. It was, after all, a brave man indeed who chose to defy Philip the Fair. Events such as the public meeting held in the gardens of the Louvre two days before the petition was signed provided the royal government with ample opportunity to ensure its views were disseminated to a wide audience, including 'les relegious, tant des freres mendiains comme des autres'.¹⁶ As John of Pontoise, abbot of Cîteaux, and the sometime papal chaplain, Bartholomew, bishop of Autun, discovered, the King did not take kindly to those who failed to support the call for a general council to judge the Pope: the Abbot was deposed, while the Bishop, under much pressure, eventually gave way and accepted the appeal to a council.¹⁷ In fact, according to an account provided by John of Halton, bishop of Carlisle, the day after the Louvre meeting Philip's government specifically targeted the mendicants. Each and every friar was to be examined, and those who refused to agree with the royal position were ordered to leave the kingdom.¹⁸ While not every Dominican at Saint-Jacques signed the subsequent petition, 133 members of the order, certainly the majority of the convent, did do so. Those who supported the royal position were mostly, like John, members of the French province; those who refused, like the Dominican regent master Eckhard of Hochheim, tended to be from other provinces.¹⁹ Whatever John's actual views, it was doubtless politic that he should support the 1303 petition if he wished to continue his career at the University of Paris. To view John's adhesion as an indication of his support for Philip IV does, however, dovetail neatly

¹⁵ J. A. Watt, for example, argued, based on John's adhesion, that he was a 'known supporter of Philip the Fair's proposal that Boniface be summoned before a general council': Watt, 'Spiritual and Temporal Powers', p. 408. See also Canning, *Ideas of Power*, p. 49.

¹⁶ Thompson, *The Episcopal Registers of Carlisle*, p. 209.

¹⁷ Boase, *Boniface VIII*, p. 334. For the Abbot, see the second continuator of William of Nangis in Anonymous, *Continuationis Chronici Guillelmi de Nangiaco*, ed. by Géraud, p. 336. Concerning the Bishop, see Thieulloy, *Le pape et le roi*, p. 233.

¹⁸ 'L'endemain de la Saint Johan le roi de France fist mander aucuns de ses gens avec tabellions as maisons des freres mendiains, e fist examiner chescun frere par sei s'il vousist assentir as propositions ou non, e troverent assez de diverses langes qui ne s'i vouloient assentir. E ceus qui ne s'assentirent, il leur commanderent tantost de par le roi de voider le roialme: e ceus s'en alerent tantost': Thompson, *The Episcopal Registers of Carlisle*, p. 211.

¹⁹ Courtenay, 'Between Pope and King', pp. 597–99.

with the conventional interpretation of the tract for which he is best known today, *De potestate regia et papali*.²⁰

The precise dating of *De potestate* — and, indeed, the way it was written — remains the subject of continuing debate. Traditionally thought to have been drafted between December 1301 and November 1302, the tract's discussion of royal and papal power is usually considered to be a product of the second dispute between Philip and Boniface.²¹ Some two decades ago Janet Coleman offered a new interpretation that proposed *De potestate* should in fact be seen as a series of tracts produced largely in the late 1290s. Coleman considered the work to have been inspired not by the conflict between Pope and King, but by the ongoing debates within the mendicant orders.²² In recent years Karl Ubl has, rather more convincingly, suggested that the manuscript tradition actually represents a series of recensions, and that the work should be regarded as a specific response to the papal hierocrat James of Viterbo. Ubl argues that its various recensions emerged as part of the academic debate that took place during King Philip's second dispute with the papacy.²³

It is possible that John made a further contribution to the Franco-papal conflict at about this time in the form of the tract known today as *Rex pacificus*. This work outlines an argument similar to that found in *De potestate*.²⁴ The attribution of *Rex pacificus* to John is, however, questionable. John was first linked to this tract by an anonymous late fifteenth-century commentator. The tract was more probably intended to represent a formal summary of the views of the Paris masters on the issues arising from the Franco-papal dispute. The commentator's tendency to inflate John's status in the Theology Faculty is an indication that

²⁰ The work is available in two modern editions: John Quidort of Paris, *De potestate regia et papali*, ed. by Leclercq; John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein.

²¹ For the traditional dating, see John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, pp. 27–28; Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 11–14, suggested the tract could be dated with more precision to the end of 1302 or the first few months of 1303.

²² For an overview of this position, see Coleman, *A History of Political Thought*, pp. 118–33. For more detailed discussion, see Coleman, 'The Dominican Political Theory'; Coleman, 'The Intellectual Milieu'.

²³ Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie'. The dating Ubl advances as part of this argument is not, however, universally accepted: Walther, 'Aegidius Romanus und Jakob von Viterbo'.

²⁴ For the case for John's authorship, see Saenger, 'John of Paris', a view accepted by, for example, Paravicini Bagliani, *Boniface VIII*, p. 333.

the link drawn between John and *Rex pacificus* may say more about John's reputation in fifteenth-century France than it does about his actual involvement in the tract's drafting. As will be discussed, John was not, despite the commentator's assertions, a disciple of Thomas Aquinas in anything but a general sense. Nor was he one of Paris's most eminent theologians at the time *Rex pacificus* was drawn up; in fact, he had yet to achieve the status of regent master.²⁵ Whether or not he contributed to *Rex pacificus*, the aftermath of Philip's dispute with Boniface saw John's career reach its pinnacle.

The Franco-papal dispute finally ended with Boniface's VIII's humiliation by French agents at Anagni and the Pope's subsequent death. While 1304 witnessed the repercussions of these dramatic events,²⁶ it also saw John obtain his licence in theology. This fact is provided by John's fellow Dominican, Bernard Gui (d. 1331). It forms part of a brief biographical sketch included as part of a list of members of the Order of Preachers who had attained the position of master of theology.²⁷ This date has the potential to throw greater light upon the course of John's university career as a whole. The 1215 regulations of the University of Paris promulgated by the papal legate Robert of Courçon set a minimum age of thirty-five for reception as a master of theology. The same regulations required those entering the higher faculty to have spent at least two years teaching in the Arts Faculty, and to have studied theology for a minimum of eight years.²⁸ If John was the minimum age to be licensed in Arts, twenty, at the time of the dispute over 'his' bachelor's degree with Bertrand of Saint-Denis, this would (just) allow for him to have obtained the minimum age for reception as a master of theology by 1304. The precise nature of the course of study John

²⁵ 'Et pour respondre a ce selon droit divin fut lors esleu par la faculté de theologie maistre Jehan de Paris disciple de Saint Thomas d'Aquin qui ja estoit trespasé lequel maistre Jehan de Paris estoit en son temps le plus solennel theologien que l'en sceust': ed. in Saenger, 'John of Paris', p. 45. For the argument that John's authorship remains unproven, and consideration of the reasons why the tract was written, see Anonymous, *Quaestio de potestate papae (Rex pacificus)*, ed. and trans. by Dyson, pp. xvi, xix–xx.

²⁶ Ruiz, 'Reaction to Anagni'.

²⁷ 'Fratr Joannes, Parisiensis, licentiatu anno Dni M^o CCC IIII^o': cited from Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 7. On Gui and his historical interests, see Lamarrigue, *Bernard Gui*.

²⁸ For the regulations, see Denifle and Chatelain, *Chartularium Universitatis Parisiensis*, 1 (1889), no. 20, pp. 78–80. Although not always respected, these guidelines remained in force at the beginning of the fourteenth century: Tuilier, *Histoire de l'Université de Paris*, 1: *Des origines à Richelieu*, p. 47.

followed in this period, and its length, remains, however, uncertain.²⁹ And John may, in any case, have benefited from certain exemptions accorded to mendicants.³⁰

What can be said with certainty is that John could only have undertaken his theological studies and become a master with the permission of the Dominican master general.³¹ There is, however, no evidence to suggest that he became a lector at a provincial convent before doing so. A period spent in such a position would have been the norm for members of the order, and in keeping with what Michèle Mulchahey has identified as the 'primary goal' of the Dominican theological course, the training of teachers.³² This may be further evidence of John's rather unique career path and, perhaps, his standing as a scholar. Whatever the case, new masters were required to undertake a period of necessary regency during which they were obliged to lecture in the schools for two years.³³ That John obtained his licence in 1304 means that he began his obligatory two years as regent master in the academic year 1304/05. Having finally become a master of theology John lasted about a year before publishing a treatise on the Eucharist that led to him being deprived of his right to teach and forbidden to speak on the subject ever again.³⁴

John may have set the tone for a tumultuous career early on. One of the earliest controversies with which he can be identified concerns a commentary on the *Sentences* of Peter Lombard. The exact date of the work remains unclear.

²⁹ Although the Dominicans operated their own course in theology, separate from that of the university, the earliest regulations governing precisely how it was structured date to the 1305 chapter general. This Dominican course closely resembled the standard Parisian theology course, although there were a number of notable distinctions: Mulchahey, *'First the Bow is Bent'*, pp. 331–33, 378–84.

³⁰ Leff, *Paris and Oxford Universities*, pp. 164–67, especially, pp. 166, 167. As Courtenay has demonstrated, there are a number of instances in the first two decades of the fourteenth century where the requirement that prospective masters read the *Sentences* for two years and then undertake a four-year waiting period before entering the Theology Faculty appears to have been waived for mendicants: Courtenay, 'Reflections on Vat. lat. 1086', pp. 349–50. The most notable exemption from the age requirements is Aquinas himself: Mulchahey, *'First the Bow is Bent'*, p. 384, n. 123.

³¹ For the key role played by the master general in regulating the study of theology at Paris by members of the order, see Mulchahey, *'First the Bow is Bent'*, p. 376.

³² Mulchahey, *'First the Bow is Bent'*, p. 383.

³³ Leff, *Paris and Oxford Universities*, p. 171.

³⁴ For the most recent edition of John's treatise on the Eucharist, see Pattin, 'Jean de Paris', pp. 190–206. See also Martin, 'The Eucharistic Treatise', pp. 214–25.

Some historians have suggested it was finished as early as 1284–86. Jean-Pierre Müller, on the other hand, argued that it should be dated to the academic years 1292/93–1295/96.³⁵ The latter dating would allow for John to have joined the Order of Preachers after 1290. Whether or not this was the case, John was certainly a Dominican by the time of the commentary's composition: sixteen of its propositions were reported to the master general of the Dominican order as erroneous.³⁶ And this was probably not John's only early brush with controversy.

John's *Correctorium corruptorii* 'Circa' (c. 1285) ostensibly addressed Franciscan attacks on the thought of the Dominican order's most notable intellectual figure, Thomas Aquinas.³⁷ The work may, however, have been conceived primarily as a loosely veiled defence of John's own orthodoxy, aimed at associating its author's views with those of the Angelic Doctor.³⁸ In fact, the extent to which John should be regarded as a follower of Saint Thomas remains open to debate. Certain aspects of his thought, including his philosophy of forms, follow Aquinas closely.³⁹ Yet John's view of the relationship between spiritual and temporal power certainly departed from that of Aquinas,⁴⁰ and on occasion he even seems to have attacked his fellow Dominican's views.⁴¹

In 1300 John immersed himself in contention when he stepped into the middle of a fierce academic debate about the coming of the Antichrist. As the modern editor of John's *Tractatus de Antichristo* concludes, when considered in its historical context, the work 'reflects not so much its author's fascination with eschatological speculation as his involvement in contemporary political issues and his penchant for controversy'.⁴² The year 1304 saw John enter into yet another heated debate when he made a contribution, his *De confessionibus audiendis*, to the dispute between secular and mendicant clergy. Given his

³⁵ Müller, 'La date de la lecture'; Cunningham, 'The "Real Distinction"', p. 14.

³⁶ Roensch, *Early Thomistic School*, p. 99. For an edition of the first two books, see John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller.

³⁷ For the establishment of John's authorship, see Grabmann, 'Le "Correctorium corruptorii"'. For an edition of the text, see John Quidort of Paris, *Le "Correctorium corruptorii" "Circa"*, ed. by Müller. For the dating, see Müller, 'La date de la lecture', pp. 138–39.

³⁸ Cunningham, 'The "Real Distinction"', pp. 15–16.

³⁹ Roensch, *Early Thomistic School*, p. 103.

⁴⁰ Griesbach, 'John of Paris', pp. 43–48.

⁴¹ Cunningham, 'The "Real Distinction"', p. 15. Although it should be noted that Cunningham's argument concerning John's notion of the will is strongly contested by Hamilton-Bleakley in her contribution to this volume.

⁴² John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 7.

own position as a Dominican, he unsurprisingly favoured the latter group.⁴³ If John's career in the Arts Faculty began in the 1280s, rather than the 1290s, it is possible that a reputation for holding heterodox opinions may have delayed his reception into the higher faculty of Theology. There is even a possibility, as will be discussed below, that John only entered the Theology Faculty after royal intervention. Then again, any delay may simply have resulted from both the restrictions placed on the number of regent masters at Paris and the fact that licences in theology were only granted every other year.⁴⁴ Whether or not John's reception was delayed, his life certainly ended mired in the controversy generated by his views concerning the Eucharist. He died, so Bernard Gui informs us, on 22 September 1306 at the papal curia at Bordeaux. He was there awaiting a review of the decision that had prematurely ended his tenure as a regent master.⁴⁵

If it is difficult to chart the precise course of John's career, it is much easier to determine that it was, without doubt, a very productive one. He was the author of twenty-one works and perhaps as many as two hundred sermons, the latter preached in 1293 and 1294.⁴⁶ Many of these works remain available only in manuscript. Even where printed editions exist few have aroused great interest. The appearance of an edition of John's *Tractatus de Antichristo*, for example, has raised barely a ripple on the academic pond. Although some attention has been paid to aspects of John's philosophical and economic thought,⁴⁷ his

⁴³ Lambertini, 'John of Paris', p. 632. For the text, see John Quidort of Paris, *De confessionibus audiendis*, ed. by Hödl.

⁴⁴ For the procedures, see Glorieux, *Répertoire des Maîtres*, I, 23.

⁴⁵ 'Hic obiit in Curia Romana Burdegalis, ubi diffinitivam sententiam expectabat a. d. M^o CCC VI^o in festo sancti Mauricii': cited from Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 7.

⁴⁶ For lists of John's works, see Grabmann, *Studien zu Johannes Quidort von Paris*, pp. 11–41; Glorieux, *Répertoire des Maîtres*, I, 189–93; II, 508; Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi*, II, 517–24; IV, 165–66, which also contains manuscript details; these details are supplemented in Pattin, 'Jean de Paris', pp. 186–89, which also lists a number of additional works attributed to John. For a list with a detailed bibliography and consideration of dating, see Roensch, *Early Thomistic School*, pp. 101–03. Concerning John's sermons, see Lajard, 'Jean de Paris, Dominicaïn', pp. 253–54. For the dating of these latter and an argument that John should be identified as the author of the majority of the anonymous texts in a collection of 227 Parisian sermons, see Kaeppli, 'Praedicator Monoculus', especially pp. 147–55.

⁴⁷ In addition to the philosophical works already cited by Griesbach, Roensch, and Cunningham, see Müller, 'Der *Tractatus de Formis*'; Müller, 'La thèse de Jean Quidort'; Glorieux, 'Jean Quidort'; Heiman, 'Essence and *Esse*'. Heiman's discussion of John's commentary on the *Sentences* is illustrative of just one instance in which John departs from Aquinas's position

modern reputation rests largely upon his contribution to the history of political thought. This last is embodied, in particular, in the tract *De potestate regia et papali*. John's standing in his own day remains less than clear cut. While he was doubtless a figure who courted controversy, it is uncertain that John's views, political or otherwise, caught the attention of his contemporaries and the immediately succeeding generations in quite the way they have stimulated more recent writers.

Early Reputation

In 1305, John Quidort's analysis of the Eucharist raised the ire of no less than four bishops.⁴⁸ His views were rebutted by his fellow Dominican Nicholas Trivet sometime between 1304 and 1306.⁴⁹ His fall from grace caught the attention of three Parisian chroniclers who paused to record it in some detail. These included one of John's contemporaries in the Theology Faculty of the University of Paris, John of Saint-Victor, as well as two anonymous continuators working at the Benedictine abbey of Saint-Denis.⁵⁰ John's star burned as brightly as that of any of the controversial figures produced by the university in the previous century; unlike some of those figures, however, John and the storm that surrounded him seem to have been swiftly forgotten.

Confronted with dynastic upheaval in France and the onset of the Hundred Years War, future generations found John a less noteworthy figure than the writers of the opening decades of the fourteenth century. For the most part they chose to excise him from their accounts of history. One example is the mid-fourteenth-century version of the *Grandes Chroniques de France*. Although the compilers of this popular and well-disseminated vernacular history drew on the con-

(pp. 145–46). Of particular note regarding John's economic thought is Langholm, *Economics in the Medieval Schools*, pp. 391–97.

⁴⁸ For an outline of John's position, see Lajard, 'Jean de Paris, Dominicain', pp. 263–65. For detailed analysis, see Martin, 'The Eucharistic Treatise', pp. 201–14.

⁴⁹ Nicholas offered a 'substantial but non-inflammatory reaction' in his *Quodlibet* IV, q. 4: Friedman, 'Dominican Quodlibetal Literature', p. 429. I am grateful to Marco Toste and Lidia Lanza for drawing this point to my attention.

⁵⁰ John of Saint-Victor, *Excerpta e Memoriali historiarum*, ed. by Guigniaut and de Wailly, p. 645; second continuator of William of Nangis, in Anonymous, *Continuationis Chronici Guillelmi de Nangiaco*, ed. by Géraud, pp. 347–48; Anonymous, *Chronicon Girardi de Fracheto*, ed. by Guigniaut and de Wailly, p. 25. The latter was probably composed by Richard Lescot, who became a monk at Saint-Denis in 1329.

tinuation of the work of William of Nangis and the slightly later continuation of Gerard of Frachet, both prepared at Saint-Denis, they chose to exclude passages from both chronicles concerned with John of Paris. John's notoriety thus stood in striking contrast to that of Thomas Aquinas, canonized in 1323, or the much more controversial figure of his near-contemporary Marsilius of Padua. Several decades after Marsilius and his companion, the Parisian Arts master John of Jandun, had fled Paris, the compilers of the mid-fourteenth-century *Grandes Chroniques* were keen to remind their readers of the perfidy of these two 'anemis de sainte Eglise, adversaires de verité et filz d'iniquité';⁵¹ John Quidort, on the other hand, was largely forgotten by the end of the first quarter of the fourteenth century. The impact of the controversies that dogged his career should not, in other words, be overstated. More significantly, it is equally necessary to avoid exaggerating the impact of his thought upon his contemporaries. Today, John occupies a prominent place in the work of scholars exploring the development of ideas such as consent, property, and sovereignty. There is, however, little to suggest his immediate contemporaries considered his contribution to 'political' theory, or indeed any other topic, particularly significant.

The reception of the tract for which John is best known today serves to illustrate the nature of his reputation before the late fourteenth century. The apparent novelty of the Aristotelian-derived ideas in *De potestate regia et papali* make it easy to overemphasize the tract's significance at the time it was written. Although John produced a largely coherent theory of the relationship between spiritual and temporal power that appears broadly sympathetic to the interests of Philip IV's government, there is little evidence to demonstrate that anyone within the royal court took an interest in either John or his ideas. Registers, most likely compiled by William of Nogaret in the first decade of the fourteenth century, suggest that Philip's key advisor took a significant interest in many of the publicists writing during the Franco-papal dispute.⁵² This interest extended to collecting the pamphlets and tracts of men such as John's contemporary, the Norman lawyer Pierre Dubois; but John's work was not integrated into this collection.⁵³ Nor is there any evidence elsewhere in official documents

⁵¹ Viard, *Les Grandes Chroniques de France*, ix (1937), 58.

⁵² These registers are traditionally attributed to Peter of Étampes, keeper of the royal archives. Elizabeth Brown has recently argued, convincingly, that they should be considered the work of William of Nogaret. See Brown, 'Guillaume de Nogaret et les textes'. I am grateful to Professor Brown for sharing a pre-publication copy of this article with me.

⁵³ BnF, MS lat. 10919 (formerly: Trésor des Chartes, Register 29).

or even chronicles to suggest that John received royal patronage or enjoyed any connection with the court. There is, in fact, only one manuscript of *De potestate* dating from the first half of the fourteenth century, and its connection, as far as can be ascertained, was with the cathedral of Notre-Dame and not the court.⁵⁴ And yet there is one tantalizing suggestion not only that John was known to the court but that he even owed the fact he became regent master in Theology to his role in the dispute with Boniface.

John's contemporary the Augustinian Hermit Augustine of Ancona (Augustinus Triumphus) was lecturing on the *Sentences* in Paris at the time of the Franco-papal conflict. By 1315 he was a master in the Theology Faculty and an ardent defender of Boniface VIII's reputation.⁵⁵ Around 1308 he wrote a tract defending the Pope against the accusations brought against him by Philip's supporters. Although John is not named in this directly, Augustine's summary of the Dominican's views on the Eucharist make him clearly identifiable. The tract includes the very clear suggestion that John obtained his position as regent master primarily as a result of the support he received from the royal government.⁵⁶ Although Augustine does not discuss *De potestate's* arguments, his comments, at the very least, would suggest John enjoyed a reputation as a royal supporter in the first decade of the fourteenth century.

De potestate certainly circulated amongst a number of John's fellow Dominicans in the first half of the fourteenth century. It is notable, however, that those who read it, such as Peter of la Palud (d. 1342), did not endorse all of its arguments wholeheartedly.⁵⁷ It was not, in fact, uncommon that John's ideas should enjoy such a reception: his views on formal beatitude were, for example, the subject of criticism both by his fellow Dominicans, such as Hervaeus

⁵⁴ BnF, MS lat. 18288. For the dating, see Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 168.

⁵⁵ For a summary of Augustine's career and the key features of his thought, see McGrade, 'Augustine of Ancona'.

⁵⁶ 'Ista autem tria emuli Bonifacii non videntur sentire de hostia consecrata, quia temporibus nostris Parisius illos defendebant et protegebant et eos ad cathedram magistralem eorum virtute et favore ascendere fecerunt, qui contrarium omnium istorum asserebant et docebant. Nam dixerunt et docuerunt in cathedra, scientibus et consencientibus emulis domini Bonifacii, panis substantiam non converti nec transmutari in corpus Christi, sed post consecrationem paucitas et substantia panis remanebit coniuncta divinitati': Augustine of Ancona, *Tractatus contra articulos*, ed. by Finke, bk. 1, c. 4, p. lxxv. I am grateful to Karl Ubl for drawing this passage to my attention.

⁵⁷ This point is explored in Jones, *Eclipse of Empire?*, pp. 242–44.

Natalis, and by secular masters at Paris, such as Peter of Auvergne.⁵⁸ The views he produced on individuation in the only known quodlibet that can be ascribed to him with certainty may have influenced his fellow Dominican John of Naples but, again, certainly differed from those of Hervaeus Natalis.⁵⁹ While the work of Marco Toste and Lidia Lanza in this volume suggests that at least some of the ideas John developed in *De potestate* elicited mixed reactions in the course of the fourteenth century, it is notable that the tract does not appear in contemporary library catalogues.⁶⁰ Similarly, based on the fact that John's quodlibet survives in only one manuscript, Russell L. Friedman has suggested that that particular work 'could not have had a great deal of impact'.⁶¹ Nor is there any clear evidence to suggest that *De potestate* played a role in influencing broader conceptions of political organization in the first half of the fourteenth century.⁶² Although certain aspects of John's thought appear similar to those later explored by William Durant the Younger (d. 1330), there is no way of establishing with certainty whether or not William drew directly on John's ideas.⁶³

In the first half of the fourteenth century, John was, overall, an altogether less controversial figure than, for example, the much vilified Marsilius of Padua. While Marsilius's *Defensor pacis* was available in French by 1363, it would be the fifteenth century before *De potestate* stimulated enough interest for a similar translation to be made.⁶⁴ Its author enjoyed a reputation as a royalist supporter among his contemporaries, but he quickly faded from memory after the reign of Philip IV. *De potestate* owes its success largely to its revival during the Great Schism of the late fourteenth century, the era to which the overwhelming majority of the manuscripts date.⁶⁵ John's reputation was cemented by the

⁵⁸ Müller, 'Les critiques de la thèse de Jean Quidort', pp. 152–70. For a detailed assessment of John's views and their reception, see chapters 2 and 3 of Jeschke, *Deus ut tentus vel visus*, pp. 103–274.

⁵⁹ Pickavé, 'The Controversy over the Principle', pp. 77, 79. The quodlibet is in John Quidort of Paris, 'The First Quodlibet', ed. by Heiman.

⁶⁰ Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 151–52.

⁶¹ Friedman, 'Dominican Quodlibetal Literature', p. 418; concerning the possible connection between John and another quodlibet, see pp. 442–43.

⁶² Jones, *Eclipse of Empire?*, pp. 243–44.

⁶³ Fasolt, *Council & Hierarchy*, p. 208, n. 142.

⁶⁴ Sullivan, 'The Manuscripts and Date', p. 297. For the earliest French translation of *De potestate*, see Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi*, II, 522; John awaits a modern French translator.

⁶⁵ Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 151.

enthusiasm with which Early Modern Gallicans embraced him, producing no less than six editions of the tract between 1506 and 1683.⁶⁶

John Quidort was a not uncontentious figure in the early fourteenth century. Yet according to three chroniclers he owed his problems with the ecclesiastical authorities in his own day not to his attitude to the relationship between Church and state, but to the technicalities of his views on the Eucharist. It was this controversy, and not any contribution John may have made to the conflict between Philip IV and Boniface VIII, that they chose to highlight. It is, however, worth remembering that throughout the first decade of the fourteenth century John was viewed, at least by some, as a supporter of the King, and that one of those involved in removing his licence to teach was the Archbishop of Bourges, Giles of Rome. Giles had been one of Boniface VIII's key intellectual supporters.⁶⁷ In light of the comments of Augustine of Ancona, we are left to wonder if the drastic nature of the steps taken against John were wholly the product of his Eucharistic theology. Yet, whether or not John's removal was connected with his political views, it is important to keep in mind that until the Great Schism — and subsequently Gallicanism — generated new interest in *De potestate regia et papali*, John remained a figure whose works were read principally by a select number of his fellow Dominicans.

New Approaches

While many aspects of John's life and career remain enigmatic, the number and complexity of the works attributed to him underscore his importance. Viewed on one level, John clearly made significant, and frequently novel, contributions to the wider history of political thought. His ideas certainly deserve to be considered alongside, and in comparison to, those of Aquinas, Dante, Marsilius, and others. As a case study, however, John also offers the modern scholar unusual insights into the attitudes of a medieval theologian living and working in the Paris of Philip IV. His career gives some indication of the turbulent environment of Capetian France in the 1290s and early 1300s. His works provide an unusually diverse source for the thought of a man engaged actively in the theological and political controversies of his day. His later reputation provides a barometer that helps to measure the rise and fall of late medieval and Early Modern attitudes towards topics such as conciliarism and the nature of the

⁶⁶ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, pp. 12–13.

⁶⁷ Canning, *Ideas of Power*, p. 38.

Eucharist. In short, John Quidort deserves the attention of both political scientists seeking to understand the development and relationship between ideas, and of philosophers, theologians, and historians interested in exploring the broader medieval environment.

Some of the topics that John enables us to explore will come as no surprise. Many, John amongst them on at least one occasion, would have witnessed the process that instituted the temporal power, one half of the dichotomous power structure that governed western Europe. John may not have attended the coronation of King Philip IV at Reims in person, but he was undoubtedly aware of the key steps in the process by which the King obtained his throne. While the specific order of service used in January 1286 does not survive, the ceremony is set out particularly clearly in an illuminated coronation *ordo* created for the Bishop of Châlons in the latter part of Philip's grandfather's reign.⁶⁸ During the ceremony, a bishop confers a sword on the king-elect. The act is accompanied by a series of injunctions outlining the ways in which the Church expected secular power to be employed.⁶⁹ While we cannot be certain that this was the exact formulation used at either of the two coronation ceremonies that took place during John's lifetime — those of Philip III and his son — it is probable that the version used would have contained similar elements.⁷⁰ This act of conferral was notable enough to be the subject of an illuminated initial in the Bishop's manual.⁷¹ For those who witnessed the act, or who simply read the *ordo*'s lengthy account, some basic questions must have lingered about the relationship between ecclesiastical and temporal power. Did this gesture mean that the former had bestowed authority on the latter? Similar questions may have occurred to those who viewed images of the papal coronation of Charlemagne

⁶⁸ BnF, MS lat. 1246. For the ownership, see Bonne, 'The Manuscript of the Ordo', p. 58. For the dating, see Le Goff, 'La structure et le contenu idéologique', pp. 34–35.

⁶⁹ This lengthy part of the ceremony begins: 'Postea ab episcopis insem accipiat et cum ense totum sibi regnum fideliter ad regendum secundum supradicta verba sciatur esse commendatum, dicente metropolitano: "Accipe gladium, per manus episcoporum licet indignas, vice tamen et auctoritate sanctorum apostolorum consecratus, tibi regaliter impositum, nostreque benedictionis officio in defensionem sancte Dei ecclesie divinitus ordinatum. Et esto memor de quo psalmista prophetavit dicens [...]"; Goullet, 'Texte latin et traduction française du manuscrit latin 1246', p. 281.

⁷⁰ While it is not recounted in quite such elaborate terms, the conferral of the sword certainly features in another *ordo* of a similar date: 'Ordo XXII A: The Last Capetian Ordo', ed. in Jackson, *Ordines coronationis Franciae*, II, 385.

⁷¹ BnF, MS lat. 1246, fol. 26^v. Reproduced on the cover of this volume.

in manuscripts of early versions of the *Grandes Chroniques de France* in the opening decades of the fourteenth century.⁷² Should this act be interpreted to represent the subordination of one power to another, as Pope Innocent III had once so memorably interpreted it in the decretal *Venerabilem* (1202)?⁷³ What distinguishes John of Paris from the great majority of his contemporaries is that, in *De potestate regia et papali*, we have his response to the question of how the late medieval world should understand the relationship between the lay and ecclesiastical powers. Yet, while this is the question most often asked of John, it is not the only topic he and his works have the potential to shed light upon.

John, in the company of thousands of Parisians, would have frequently looked up at the imagery that dominated the central portal of the west end of the cathedral of Notre-Dame and, in so doing, would have been reminded of mankind's ultimate fate: the final judgement of Christ, the weighing up of souls, the rewarding of the just, and the punishment of the damned.⁷⁴ Images of the Last Judgement stared down on the just and unjust alike across Europe throughout the later Middle Ages, some sculpted at the entrances to churches, others within in the form of wall paintings;⁷⁵ others still stared out from the pages of manuscripts.⁷⁶ How did those who viewed such works interpret them? Again,

⁷² For an example from a manuscript c. 1318, see BnF, MS fr. 10132, fol. 147^r. Concerning the illumination cycle in this manuscript, see Hedeman, *The Royal Image*, pp. 38–41.

⁷³ x 1.6.34: Friedberg, *Corpus iuris canonici*, II (1881), cols 79–82.

⁷⁴ Partially restored in the nineteenth century by Viollet-le-Duc, the portal sculptures date from 1210–40. For a brief overview and photograph, see Lorentz and Sandron, *Atlas de Paris au Moyen Âge*, pp. 120–21. For a particularly vivid, if somewhat idiosyncratic, description, see Temko, *Notre-Dame of Paris*, pp. 202–08. The depiction of Hell was particularly well developed in the Paris portal: Baschet, *Les justices de l'au-delà*, p. 169; and on this subject in French cathedral portals of this period more generally, see *ibid.*, pp. 163–73. M^{me} Delia Kottmann kindly made me aware of Baschet's work.

⁷⁵ On this topic in French wall painting, see Baschet, *Les justices de l'au-delà*, pp. 407–14. An excellent fifteenth-century depiction of the Last Judgement is preserved in the cathedral of Albi. I am grateful to Professor Eric F. Johnson for drawing this latter to my attention. For the Albi 'Doom', see Durliat, 'Le Jugement dernier'. For a brief overview of the Last Judgement in medieval wall painting, see Rosewell, *Medieval Wall Painting*, pp. 72–81; Rouse, *Medieval Wall Paintings*, pp. 56–61.

⁷⁶ For two examples from the first half of the thirteenth century, the psalters of Blanche of Castile and Margaret of Burgundy, see Baschet, *Les justices de l'au-delà*, pp. 177–80; for depictions in manuscripts of the *Somme le Roi* dating to the later thirteenth and early fourteenth centuries, see *ibid.*, pp. 186–87.

what distinguishes John is that we have his response, this time in his *Tractatus de Antichristo*.

Approaches to John since the turn of the millennium help illustrate the variety of questions and attitudes he enables us to explore. John has been a guide to topics that vary from burning questions in medieval metaphysics, such as the nature of the will and individuation, to those with a surprisingly mainstream modern resonance, such as abortion.⁷⁷ His views have informed the exploration of subjects ranging from the reception of Aquinas's Christology to the impact of Bishop Tempier's 1277 condemnation of Aristotelian ideas.⁷⁸ For most historians and political theorists he remains, however, most sought after as a commentator on medieval political conceptions.⁷⁹ Most frequently he is a stalwart of comparative studies in which his views are set alongside other thinkers of the period, some the great luminaries of the age, others rather less well known.⁸⁰ John is not, then, a neglected or unknown figure for those working on the later Middle Ages. And yet, beyond the detailed summaries that appear in encyclopaedic works,⁸¹ there has yet to be an attempt to explore John from a more holistic perspective. There is, then, a case to be made for offering a wider treatment of John's life, thought, and influence.

While the present volume certainly considers the work for which John is best known from a variety of angles, it also seeks to set *De potestate* — and John's view of temporal and ecclesiastical power — in the wider context of his thought and influence. There remains much to be said about John's most famous work but, alongside it, it is also worth considering what, amongst his many works, the commentary on the *Sentences*, his defence of Thomas Aquinas, and his treatise on the Apocalypse can tell us. At the same time, no attempt is made to be comprehensive; this volume is not intended to be a 'companion' to John or a 'handbook' to his thought. The aim is a more modest one. This collection is conceived in the same spirit as an earlier contribution to the *Disputatio* series, *The World*

⁷⁷ Brungs, 'Intellekt, Wille und Willensschwäche'; Pickavé, 'The Controversy over the Principle', pp. 66–69; Hödl, "Ist die Abtreibung".

⁷⁸ Wawrykow, 'Thomas Aquinas and Christology after 1277'; Mahoney, 'Reverberations of the Condemnation'. In the preceding decade John was the focus of work exploring the influence of Cicero on medieval thinkers: Nederman, 'The Union of Wisdom and Eloquence'.

⁷⁹ Most notably Briguglia, *La questione del potere*. See also Brett, 'Political Philosophy'; Bertelloni, 'Nähe und Distanz zu Aristoteles'; Miethke, 'Die Frage des Legitimität'.

⁸⁰ In addition to several of the works noted in the previous footnotes, see, for example, Kempshall, 'Accidental Perfection'; Mäkinen, 'Rights and Duties'.

⁸¹ Most notably, Lambertini, 'John of Paris', but see also Friedman, 'John of Paris'.

of *Marsilius of Padua*. In that case, as in this one, the editor's aim was to draw together the 'latest research and new interpretations'.⁸² John remains a perennial source of interest to scholars working in a variety of disciplines. An introduction to his thought and an overview of the diverse ways in which contemporary scholars are approaching both his own ideas and his legacy will, therefore, undoubtedly prove valuable. While this volume may not be the 'opening salvo of future academic discussion and scholarship' that Gerson Moreno-Riaño — rightly — envisioned his Marsilius volume would become,⁸³ it is hoped that it will be a stimulating first point of reference for future scholars looking for a deeper understanding of the way in which the medieval world can be understood through the eyes of John of Paris, and an incentive to ask new questions of its subject.

In order to provide a well-rounded portrait of current scholarship connected with John, this book ranges widely. Its authors represent a variety of disciplines, ranging from political science and philosophy to the history of political thought. Although this could be said to make for an eclectic feel, at the same time it is hoped that the juxtaposition will challenge readers to consider unexpected perspectives alongside those with which they may be more familiar. To create a sense of order the book has been loosely divided into four parts. While, inevitably, some overlap exists between each part, each highlights a key area into which present research might be divided profitably.

'Power and Authority' comprises two essays, by Joseph Canning and Bettina Koch, which explore aspects of John's view of the power structure that underpinned the medieval world. Building on the approach taken in his 2011 book *Ideas of Power in the Late Middle Ages*,⁸⁴ Canning offers a new assessment of the relationship between temporal and ecclesiastical power at the heart of John's *De potestate*. John's rebuttal of the hierocratic arguments of writers such as Giles of Rome, arguments that subordinated the temporal power to the spiritual in this-worldly matters, is one of the most striking and well-known features of his thought. Nevertheless, John's refusal to separate the two powers completely and his tendency to highlight the ability of each power to intervene in the sphere

⁸² Moreno-Riaño, *The World of Marsilius of Padua*, p. 2.

⁸³ Moreno-Riaño, *The World of Marsilius of Padua*, p. 3. Of particular note amongst the many subsequent works to appear on Marsilius is Moreno-Riaño and Nederman, *A Companion to Marsilius of Padua*; see Jones, 'Review: *A Companion to Marsilius of Padua*'.

⁸⁴ For the significance of this work, see my comments in Jones, 'Review: Joseph Canning, *Ideas of Power*'.

of the other in certain circumstances has not gone unremarked. Here, Canning explores that area of overlap, seeking to understand what it can tell us about John's conception of ecclesiastical power in particular. He concludes that an important key to John's thought lies in the idea that both powers, temporal and spiritual, exercised a common and natural jurisdiction. Despite being directed to an otherworldly end, this exercise of jurisdiction provided the Church with a dimension beyond the purely spiritual. That the exercise of power within the Church involved this-worldly jurisdiction, and was not a purely spiritual matter, had considerable implications. It impacted, in particular, upon Church organization and helped to explain the nature of the papal office. Similarly, it lay at the heart of John's understanding of the Church's relationship with property, a topic that had wider implications for his view of the relationship between the powers. Several themes emerge in Canning's essay that will recur in other contributions in the volume. Among them, for example, is the particular debt John's ideas owe to his Dominican background. Another is the question of John's view of the universal temporal authority claimed by some on behalf of contemporary emperors, a theme Canning touches upon in his exploration of John's view of temporal power. This latter is a strong focus in the two subsequent essays.

John is often considered one of the first thinkers in the medieval West to dismiss the idea that all secular power should ultimately be subject to one universal emperor, and to promote, in its place, a world of independent, effectively sovereign nation-states. In the second essay in 'Power and Authority', Bettina Koch focuses her attention on John's view of universal rulership in *De potestate* and compares it with the positions developed by his near contemporaries, Dante Alighieri and Marsilius of Padua. Each view was, as Koch highlights, developed within a specific historical context. While their individual circumstances led each of the three writers to seek to highlight the independence of the secular sphere from the spiritual, they equally led to wildly differing views of the need for an ultimate arbiter of temporal power: John, Koch argues, dismissed the concept completely, while Dante and Marsilius embraced it, albeit in different ways. Although recognizing the historical factors that shaped their works, Koch's more fundamental question concerns the extent to which each writer's position allowed them to present a viable case for the independence of temporal power from the spiritual. Were, in other words, Dante and Marsilius able to offer a convincing case without going to the lengths John did? Her analysis makes clear not only that they *were* but highlights that, while John's thought might foreshadow the emergence of the nation-state, the inconsistencies in his treatment of a universal temporal authority serve to emphasize the connection between his arguments and contemporary events.

Given the relatively little detailed information that is known about John's life, it is unsurprising that more has not been made of the relationship between his thought and its historical context. The conflict between King Philip IV and Pope Boniface VIII has, of course, loomed large in analysis of *De potestate*. It was, however, only one of several dramatic events that took place in the course of John's life and career. Did, for example, the renewal of Anglo-French hostilities in the 1290s intrude upon his thought? Are there any echoes of the catastrophic defeat that the flower of French chivalry suffered at the hands of Flemish burghers at Courtrai in his works?⁸⁵ Is it possible that some of the inconsistencies in his view of universal temporal authority may be explained by the ambiguous nature of the relationship between the Habsburg rulers of the contemporary Empire and the Capetian kings of France?⁸⁶ While many aspects of the environment that shaped John's thought remain to be explored, two in particular have been the focus of study to date and form the core issues explored in the second part of this volume: his membership of the Order of Preachers and of the University of Paris.

The first essay in 'Dominican and Theologian' is my own contribution to the volume and continues an exploration of John's view of temporal power and, in particular, his attitude towards the existence of an ultimate arbiter in temporal affairs. It does so by considering evidence for the way in which John's position as a Dominican impacted upon the writing of *De potestate*. After establishing that John's conception of history was strongly influenced by what can be considered a 'Dominican perspective', I argue that this same perspective can explain the apparent inconsistencies in his attitude towards universal temporal rule. Unlike Canning and Koch, I argue that the continued existence of some form of universal temporal authority remained an important undercurrent in John's thought. Although he certainly sought to dismiss the idea that contemporary emperors could exercise any practical authority over kings of France, John's Dominican understanding of history made it difficult for him to dismiss the traditional understanding of a world divided between pope and emperor. If this argument is accepted, it would suggest that *De potestate* does not, at least in terms of the development of the concept of the sovereign nation-state, represent quite such the radical step that it is sometimes taken to be.

⁸⁵ Concerning the 1302 battle, see Verbruggen, *The Battle of the Golden Spurs*, ed. by DeVries and trans. by Ferguson.

⁸⁶ For an overview of the Habsburg-Capetian relationship, see Jones, *Eclipse of Empire?*, pp. 121–22, 300–06.

The following three essays in this section of the book continue to examine, albeit from very different perspectives, the interplay between John's thought and his Dominican identity. In each case this is balanced by the often intertwined influence of his career at the University of Paris. Anna Milne-Tavendale's contribution introduces what is, at least today, one of John's least known works, his *Tractatus de Antichristo*. Yet, to go by the manuscript tradition, in the fourteenth century John would have been associated with this text far more readily than he would have been with *De potestate*. Despite the fact that a critical edition and English translation have existed for over thirty years, very little research has been conducted into John's decision to enter into a debate sparked by Arnold of Villanova's claims relating to the timing of the Apocalypse. Milne-Tavendale examines John's view of the Last Days, considers the factors that may have influenced his entry into this particular controversy, and explores the impact that his membership of the Dominican order had upon his approach to the problems it presented. She suggests that John may have seen himself acting much as Thomas Aquinas had done a generation earlier when confronted by an eschatological controversy. If true, the tract may provide a useful insight into its author's ambitions: John may have viewed the debate stirred up by Arnold as an opportunity to assert a position of intellectual leadership both at the university and within his own order.

The interplay between John's order and his career at the University of Paris forms an important strand in the third essay in this section, Andrew Theng's reconsideration of the factors that led John to write the work for which he is best known. Much ink has been spilt over both the dating and the purpose of *De potestate regia et papali*. In recent decades, Janet Coleman and Karl Ubl have, as I noted earlier, adopted very different positions on both points. For Theng, understanding *De potestate* requires attention to its multiple contexts, those connected with both John's Dominican identity and his membership of the university. Theng views the tract, above all, as a contribution to Church government and, perhaps more surprisingly, as an instrument of reconciliation. Looking back over the fraught history of the mendicants' relationship with the other members of the university, Theng proposes that *De potestate* was John's attempt to reconcile the Dominicans with the secular clergy by offering a 'hypothetical blueprint for a reformed Church constitution'. This raises interesting questions for future scholars to ponder concerning the possible links between *De potestate* and John's subsequent *De confessionibus audiendis*.

Whether or not Theng's interpretation of *De potestate* is accepted, John's contribution to his order and to the university was undoubtedly considerable. In the final essay in this part of the book Holly Hamilton-Bleakley considers John's

approach to the will in two of his earlier works, the *Correctorium corruptorii* 'Circa' and the commentary on the *Sentences*. Here John grappled with and defended Aquinas's notion of the will as a rational appetite. Hamilton-Bleakley concludes that John was largely responding in both works to the criticisms of one of those responsible for helping to formulate the 1277 condemnations, the University of Paris master Henry of Ghent. In the course of exploring the development of John's thought between the *Correctorium corruptorii* 'Circa' and the commentary, Hamilton-Bleakley contributes to a wider debate concerning the nature of John's Thomism. She establishes, in particular, that while John was undoubtedly a defender of the Angelic Doctor's view of the will, he was unusual in the extent to which, in building that defence, he was inclined to adapt and innovate.

Hamilton-Bleakley's discussion concludes by reminding us that John's view of the will is not necessarily solely of interest to those fascinated by the intricacies of medieval metaphysical debates. A renewal of interest in Aristotelian practical reasoning means that John's work may also provide contemporary food for thought. This reminder of John's potential relevance in the twenty-first century leads into the third part of the volume, where three authors explore the nature and implications of some of the broader ideas John raises. 'Concepts and Ideas' begins with Gerson Moreno-Riaño's provocative re-evaluation of John's contribution to the development of political thought and economic theory. Framed by a stark warning against the dangers of anachronism and presentism, Moreno-Riaño offers a new assessment of John's conception of private property. He challenges modern interpretations that have cast John as a 'medieval prophet of modernity' and that link him to the development of modern conceptions of property rights. Moreno-Riaño reminds us that to view John in this way ignores the importance of the Christian worldview that shaped the understanding of *dominium* that lay at the heart of his view of property.

From John's modern legacy, we turn with Takashi Shogimen in his contribution to a topic with undeniably strong roots in the concerns of the late thirteenth and fourteenth centuries: peace. Peace was a subject that provoked varied and considered reflections from thinkers as diverse as Marsilius of Padua, Nicholas of Cusa, and Christine de Pizan. Unlike some of his contemporaries, John of Paris did not address the topic of peace directly in any of his works. At the same time, his view of what might enable its establishment forms an important contribution to the late medieval debate, one that has been largely neglected by modern scholars. Shogimen's analysis draws our attention back to John's attitude towards property. He concludes that while John's vision of peace remains elusive, it differed markedly from that of contemporaries. One of its more notable features was John's conviction that it was actually possible for

peace to emerge, a belief connected with his broader political vision of a world in which universalism of all shades was restrained.

In the third essay in this section of the book Karl Ubl considers John's contribution to the emergence of another idea that loomed increasingly large in the fourteenth century, and beyond: conciliarism. *De potestate's* discussions of consent and the structure of Church government are often considered a landmark in the development of conciliarist ideas. Brian Tierney, in particular, argued that John pulled on various threads within the canon law tradition to produce the most consistent theory of conciliarism prior to the Great Schism. Here Ubl questions that judgement. Setting John's earlier commentary on the *Sentences* alongside *De potestate*, Ubl considers the foundations of the Dominican's conceptions of consent and Church government. He demonstrates that John's view of Church structures changed considerably between these two works and argues that the driving force for the view that eventually emerged in *De potestate* was not John's evolving understanding of canon law but his commitment to supporting Philip IV in the King's struggle with the papacy. For Ubl, John's role in the development of conciliarism reinforces a point Moreno-Riaño makes in a somewhat different context: that assuming a sense of continuity in the development of ideas can be more than a little misleading. John's views in *De potestate* were a radical shift, as much from his own position in the commentary on the *Sentences* as from those of an earlier generation of canonists; they were inspired by contemporary politics and were not the result of the slow and gradual evolution of canonist thought.

John's immediate circumstances, and in particular the Franco-papal dispute of the opening years of the fourteenth century, may well have played a far more important role in the development of his view of Church government than has been hitherto suspected. However, as Ubl acknowledges, even were that not the case John's new conception of the role of consent certainly had a lasting impact. The final section of this book, 'Reception and Legacy', turns its attention to the varied 'afterlives' enjoyed by other aspects of John's work and thought. One of the most striking features of *De potestate* is the apparently limited extent to which it circulated before it was pressed into service in the late fourteenth century by those interested in conciliar ideas. Lidia Lanza and Marco Toste's contribution reconsiders the work's early reception and influence. By focusing on the question of how Aristotle's conception of causality — his organizing schema of efficient, formal, material, and final cause — was employed by both John and the authors of other tracts within the '*De potestate*' genre, Lanza and Toste assess John's position in relation to that of his contemporaries and their immediate successors. The papal hierocrat James of Viterbo's use of the Aristotelian

imagery of bridle-making to illustrate the causal relationship between spiritual and temporal power — and John's rather different view — provides Lanza and Toste with a particularly useful yardstick. James not only set the terms for this debate but, generally, even John's fellow Dominicans seem to have agreed with the Augustinian Hermit. Having said that, at least some anti-papal writers, notably John's fellow Dominicans Peter of la Palud and Bernard of Auvergne, were certainly influenced by John's perspective. And John's conception of causality does appear to have elicited some response from pro-papal opponents, a number of whom took the time to refute it.

While John's *De potestate* may have initially found a limited and relatively unreceptive audience, the tract certainly enjoyed a resurgence of interest in the era of conciliarism. Conciliarists were not, however, John's only new audience. Nor did his tract always reach its new readership in quite the form the original author had intended. Perhaps *De potestate*'s strangest reinterpretation came at the hands of an Italian Franciscan in the first half of the fifteenth century. The decision by Friar Ludovic of Strassoldo, a much-travelled sometime inquisitor, to recast *De potestate* in the form of a humanist dialogue forms the focus of Martin Cable's contribution to the volume's discussion of John's legacy. The sheer oddness of Friar Ludovic's choice of texts is compounded by the fact the dedicatee for his 'new' dialogue was the Holy Roman Emperor Sigismund (r. 1411–37). Cable's contextualization of the reimagined *De potestate* within a careful reconstruction of Ludovic's life and literary career adds a fascinating episode to the history of Renaissance Italy, while providing a striking reminder of the unpredictability of John of Paris's influence. It also, intriguingly, raises the possibility that John's text may have been better known at the imperial court than has been assumed.

If the incorporation of *De potestate* into a humanist dialogue by a Franciscan who was, as Cable puts it, a 'serial plagiarist' even by the standards of the fifteenth century is, to say the least, bizarre, it is by no means the only instance in which John's work enjoyed an unexpected fate. In the final contribution to this collection, Gianluca Briguglia considers what, during John's lifetime, proved to be his most controversial work, and that which eventually cost him his career: his theory of impanation. Briguglia begins with what appears, at least superficially, to be the result of another unlikely editorial pairing: John's Eucharistic treatise with a London-based seventeenth-century French Protestant refugee under the protection of King James II. Having demonstrated the way in which John's Eucharistic ideas were reinterpreted by Protestants to bolster their attacks upon Tridentine Catholicism, Briguglia returns his attention to John's tract itself in order to explore the relationship between the author's Eucharistic theory and what are, traditionally, considered to be his more 'political' ideas.

Comparing John's thought with that of Giles of Rome, Briguglia argues for the existence in both writers of 'a kind of conceptual solidarity' between ideas concerning the Eucharist and broader ecclesiological-political issues. In John's case, he suggests that the theory of impanation represents the final working out of concepts nascent in the understanding of Christ that informed the delineation between temporal and spiritual power in *De potestate*. Or, to look at it another way, Briguglia brings us full circle by reminding us that while context may be important, the underlying concepts that informed John's thought may be more than the product of circumstance.

John of Paris's most famous work has by no means given up all its secrets. Briguglia's article suggests that alongside the immediate concerns that led John to approach specific topics in a particular way there are elements of a broader philosophy. And yet not only the purpose of *De potestate*, but even its dating, remains open to question. As Briguglia demonstrates, understanding the former undoubtedly requires moving beyond the analysis of a single tract; it involves establishing a broader understanding of John and his ideas. In doing so he reinforces the general themes that run throughout the essays in this diverse volume: the variety of John's contribution, the complexity of his thought, and the importance of his legacy.

There remains much to be learned from continuing to look at John both in comparison to his contemporaries, as part of the wider history of political and philosophical ideas, and as a thinker in his own right. And there are new avenues yet to be explored, some of which may open up entirely new windows onto John's world. His sermons offer just one example: there may be as many as two hundred spread across two manuscripts. While there is a modern French translation of his sermon for the first Sunday of Advent, to date none of these texts has been edited. In fact, little research has been undertaken since Thomas Kaeppli identified the bulk of this material in the 1950s.⁸⁷ What might these texts tell us about John's university career, his Dominican context, his view of events in contemporary France, his attitude towards the organization of the Church, the relationship between Church and state, or his Thomism, to raise but a few of the possible topics? There is, in short, a lot more that John of Paris might tell us about his own ideas and the world in which he lived if we should choose to ask him.

⁸⁷ The two manuscripts are 'Cod. 83' in the library of the Austrian abbey of Kresmünster and Paris, Bibliothèque nationale de France, MS lat. 3557: Kaeppli, 'Praedicator Monoculus', especially p. 151 for the latter, which contains seven sermons attributed to John. For the translation, see Leclercq, 'Jean de Paris'.

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Part 1

Power and Authority

ECCLESIASTICAL AUTHORITY AND JURISDICTION IN THE THOUGHT OF JOHN OF PARIS

Joseph Canning

In his tract *De potestate regia et papali*, John of Paris's main focus was on the nature of both temporal and spiritual power and, specifically, on the relationship between them. He considered that human life had a dual end or purpose — the natural life of virtue was hierarchically ordered towards the higher supernatural destiny of the vision of God in heaven. As a result, the prime concern of temporal government was with the natural dimension, but not exclusively so; spiritual power's overriding concern was with salvation, but not only with this. The implication was that priests had concerns which went beyond spiritual matters because the Church had a this-worldly reality insofar as it was the kind of body which needed to be governed. Similarly it was incorrect to think of secular rulers solely in a naturalistic way, because they and the people they ruled were Christians. John made his distinctive contribution at the point of intersection where temporal and spiritual power met — in their claims to government and jurisdiction.

John's nuanced approach to the relationship between temporal and spiritual power emerged in the course of his tract and was a movement away from the more starkly differentiated definitions of kingship and priesthood which he set out in the first and second chapters. He initially defined kingship in naturalistic, Aristotelian terms:

It is clear that it is necessary and useful for man to live in a multitude and especially in one which can suffice for all the purposes of life, like a city or a region, and especially under the rule of the common good by one man who is called a king. And it

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is also clear that this government is derived from the natural law, because man is naturally a civil or political and social animal.¹

Priesthood in contrast was purely spiritual: 'Priesthood is a spiritual power conferred by Christ on the ministers of the Church to dispense sacraments to the faithful'.² These were polarized and incomplete definitions which served as a starting point for his tract but which would have to be modified to cope with the realities of temporal and spiritual power in the early fourteenth century. They were purely theoretical propositions.

A comparison between John's approach and that of his fellow Dominican Thomas Aquinas is instructive. The notion of a dual order in human life — the natural and the supernatural — had been elaborated by Aquinas and had become conventional amongst Dominicans. However, John, in exploring the implications of this approach, went beyond Aquinas in considering the relationship between the two powers because this was the specific task John had set himself and because Aquinas, having not much interest in the subject, had said little about it. For John the question really mattered; for Aquinas it was a concern entirely peripheral to his main preoccupations and dealt with by a few cursory and derivative observations. John also showed a greater knowledge of canon law. In his early writings on *The Four Books of Sentences* of Peter Lombard, Thomas had followed a traditional dualist line emphasizing that the two powers were distinct: both derived from God but in such a way that the temporal was not derived from the spiritual — the temporal power was therefore subject to the spiritual in matters of salvation but was to be obeyed before the spiritual in civil ones. He also went on to maintain that this division applied,

Unless perchance the secular power is also joined to the spiritual as in the case of the pope, who occupies the summit of both powers, spiritual and secular, through the dispensation of him who is priest and king forever according to the order of

¹ The Latin text is cited from John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein. 'Patet homini necessarium et utile in multitudine vivere et maxime in multitudine quae sufficere potest ad totam vitam, ut est civitas vel regio, et precipue sub uno principante propter bonum commune qui rex dicitur. Et patet etiam quod hoc regimen derivatur a iure naturali, ex eo scilicet quod homo naturaliter est animal civile seu politicum et sociale': *De potestate*, c. 1 (Bleienstein, p. 77). All translations from Latin into English are my own.

² 'Sacerdotium est spiritualis potestas ministris ecclesiae a Christo collata ad dispensandum fidelibus sacramenta': *De potestate*, c. 2 (Bleienstein, p. 80).

Melchisedech, King of kings, and Lord of lords, whose power will not be taken away and his kingdom not corrupted for ever and ever. Amen.³

The meaning of this statement is not fully clear although it could be understood in a hierocratic sense. Indeed, in his late work *De regimine principum*, Aquinas maintained that because of the hierarchy of ends in human life, all Christian kings should be subject to the pope — the ministry of Christ's kingdom was entrusted to priests:

And in particular to the High Priest, the successor of Saint Peter, the Vicar of Christ, the Roman Pontiff to whom all kings of the Christian people should be subject, just as to the Lord Jesus Christ himself. For thus those who care for antecedent ends, should be subject to him who cares for the ultimate end, and be directed by his commands.⁴

It has to be asked whether these isolated remarks of Aquinas really fitted in with his overall naturalistic treatment of questions of politics and government. He did not appear to have thought through the implications of these statements which were more like *obiter dicta*. In contrast, John produced a highly effective destruction of the hierocratic argument. And he did so because the question really mattered to him — it was central to his concerns. John accepted that spiritual power, being concerned with salvation, was greater in dignity than temporal which was concerned with the virtuous life in this world, but he went on to argue that there was no relationship of causality between the two, as from higher to lower — the greater dignity of spiritual power did not entail the consequence that the temporal was derived from it:

If, however, the priest is greater than the prince in dignity and absolutely, he should not be greater in everything. For the relationship between the lesser secular power and the greater spiritual power is not such that it originates and derives from it [...]. The secular power is in some things greater than the spiritual power, namely in temporals and in this respect it is not subject to it in any way because it does not

³ 'Nisi forte potestati spirituali etiam saecularis potestas jungatur, sicut in papa, qui utriusque potestatis apicem tenet scilicet spiritualis et saecularis, hoc illo disponente qui est sacerdos et rex in aeternum, secundum ordinem Melchisedech, rex regum, et dominus dominantium cujus potestas non auferetur et regnum non corrumpetur in saecula saeculorum. amen': Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. II, Dist. 44, q. 2, art. 3, p. 257.

⁴ 'Et praecipue Summo Sacerdoti, successori Petri, Christi Vicario, Romano Pontifici, cui omnes reges populi Christiani oportet esse subditos, sicut ipsi Domino Iesu Christo. Sic enim ei, ad quem finis ultimi cura pertinet, subdi debent illi, ad quos pertinet cura antecedentium finium, et eius imperio dirigi': Aquinas, *De regimine principum*, ed. by Spiazzi, bk. I, c. 15, p. 275.

derive its origin from it, but both derive their origin immediately from one supreme power, namely the divine, on account of which the inferior is not subject to the superior in all things but only in those in which the supreme power has subjected it to the greater [...]. The priest is therefore greater than the prince in spiritual matters and conversely the prince in temporals, although the priest is simply greater insofar as the spiritual is greater than the temporal.⁵

This was a classic and supremely intelligent example of the dialectical ploy which accepted the fundamental proposition of an opponent only to refute the conclusions which he drew from it. The hierocratic argument was, of course, that the hierarchical superiority of the priesthood necessarily involved an efficient causality whereby the lower secular power derived its existence and legitimation from the higher spiritual power. John shared with hierocrats the belief that God was the source of all power but made a crucial distinction: he held that this divine origin was direct in the case of priestly power, but indirect in that of temporal, in the sense that God had implanted a natural instinct in men to live in community and create governments.⁶ John's core argument was that temporal and spiritual powers were different in kind because they were concerned with different areas of human life. He had holed the hierocratic thesis below the water line. Indeed this argument was John's greatest intellectual achievement and one which he deserved to be remembered for — he had produced the most effective response to the hierocratic argument.

However, this difference in kind did not apply to the concept of jurisdiction itself. In the last three chapters (23–25) of *De potestate regia et papali*, John discussed the question of whether the pope could resign (relying much on Giles of Rome's tract *De renunciatione pape*). He gave so much attention to this matter because of the problems raised by the resignation of Celestine V in 1294. If his resignation was not valid then the election of Pope Boniface VIII (r. 1294–1303) was not valid either, with profound implications for the con-

⁵ 'Nec tamen si principe maior est sacerdos dignitate et simpliciter oportet quod sit maior eo in omnibus. Non enim sic se habet potestas saecularis minor ad spiritualem maiorem quod ex eo oriatur vel derivetur [...]. Et ideo potestas saecularis in aliquibus maior est potestate spirituali, scilicet in temporalibus nec quoad hoc est ei subiecta in aliquo quia ab illa non oritur, sed ambae oriuntur ab una suprema potestate, scilicet divina, immediate, propter quod inferior non est subiecta superiori in omnibus sed in his solum, in quibus suprema supposuit eam maiori [...]. Est ergo sacerdos in spiritualibus maior principe et e converso princeps in temporalibus, licet simpliciter maior sit sacerdos quanto spirituale temporali': *De potestate*, c. 5 (Bleienstein, pp. 88–89).

⁶ *De potestate*, c. 3 (Bleienstein, p. 82).

flict between the Pope and the French king Philip IV (r. 1285–1314). In these chapters, John, in addressing the question of the nature of jurisdiction, was clear on this point: jurisdiction itself remained essentially the same whether it was exercised by secular or spiritual powers. Spiritual power was not therefore just sacramental; it also took the form of a power of jurisdiction which worked in the same way as did temporal power. All jurisdiction, since it articulated a command structure, belonged to the natural order of human life:

Those things which belong to jurisdiction are not above nature and the condition of [human] affairs, and above the human condition, because it is not above the human condition that men should be in charge of men; rather it is natural somehow.⁷

John had papal power of jurisdiction in mind — this was the core of the papal office, distinct from the power of orders which all bishops also shared.

Because jurisdiction was natural, human beings chose, through their consent, the individuals who would exercise it, both temporal and spiritual. The pope's office was divinely instituted, but the choice of individual pope lay with the cardinals.⁸ A common good argument, therefore, constrained the pope's exercise of jurisdiction: it was possible to withdraw consent from him on the grounds of preserving the good of the Church. If the pope stood in the way of the common good of the Church and yet refused to resign, he could be deposed by the cardinals or a general council; this view refuted the hierocratic argument that the highest created power (*summa virtus creata*) could not be removed by another created power:

Although it is the highest power in one person [i.e. the pope], there is however equal or greater power in the college [of cardinals] or the whole Church. Or it can be said that he can be deposed by the college or even more, with divine authority, by a general council whose consent is supposed and presumed for a deposition, where there is clear scandal and the head is incorrigible.⁹

⁷ 'Ea quae sunt iurisdictionis non sunt super naturam et condicionem negotii et super condicionem hominum, quia non est super condicionem hominum quod homines praesint hominibus, immo naturale est aliquo modo': *De potestate*, c. 25 (Bleienstein, p. 209).

⁸ *De potestate*, c. 25 (Bleienstein, p. 202).

⁹ 'Licet sit summa virtus in persona, tamen est ei aequalis vel maior in collegio sive in tota ecclesia. Vel potest dici quod potest deponi a collegio vel magis a generali concilio auctoritate divina, cuius consensus supponitur et praesumitur ad deponendum ubi manifeste apparet scandalum et incorrigibilitas presidentis': *De potestate*, c. 25 (Bleienstein, p. 207).

Similarly, God was the ultimate metaphysical source of royal power, but the people (through election by the barons) chose the monarch, either as an individual or as a dynasty.¹⁰ That both kings and the pope were chosen by human beings illustrated further that temporal and spiritual jurisdiction differed not in nature but in the objects governed — the body of the kingdom or of the Church.

But there was another difference between temporal and spiritual jurisdiction: to preserve the unity of the Church divine law decreed that there was one supreme ruler in spiritual matters, but there existed no such universal ruler in temporal affairs, whether by divine or natural law.¹¹ God had implanted the natural instinct whereby Christians could rightfully institute a variety of different political communities and governments, to realize the good life under a range of diverse conditions.¹² John retained the pope's universal spiritual rule but refused to accept any universal emperorship. He supported his view with various kinds of argument. Firstly, because there was one human species, all souls were essentially on the same level, whereas bodies were very diverse. As a result, the organization of secular power (but not of spiritual) must reflect this diversity — the huge differences amongst human beings made any thought of a universal political society untenable:

There is thus no necessity for all the faithful to come together in some one common polity but, according to the diversity of climate, language, and condition of men, there can be diverse ways of life and diverse polities, and what is virtuous in one people is not virtuous in another.¹³

Secondly, spiritual power was verbal and could therefore be effective anywhere. Distance was not a problem for it. In striking contrast, it was so much more difficult to impose the physical power of the secular sword on those far away.¹⁴ He supported his argument by referring to Aristotle's view in *Politics* that imperial monarchy lacked the naturalness of rulership in cities and regions.¹⁵

¹⁰ *De potestate*, c. 10 (Bleienstein, p. 113).

¹¹ *De potestate*, c. 3 (Bleienstein, pp. 83–84).

¹² *De potestate*, c. 3 (Bleienstein, p. 82).

¹³ 'Non sic autem fideles omnes necesse est convenire in aliqua una politia communi, sed possunt secundum diversitatem climatum et linguarum et condicionum hominum esse diversi modi vivendi et diversae politiae, et quod virtuosum est in una gente non est virtuosum in alia': *De potestate*, c. 3 (Bleienstein, p. 83).

¹⁴ *De potestate*, c. 3 (Bleienstein, p. 82).

¹⁵ *De potestate*, c. 3 (Bleienstein, p. 83). John gave no precise reference to *Politics*.

He also reminded his readers that Augustine held that the Roman Empire arose from a desire to dominate and cause injury to others.¹⁶

John had much of importance to say on the crucial question of the relationship between the ruler and property. His view was that, in this regard, the positions of the secular and spiritual powers revealed both similarities and differences. John's fundamental argument was to distinguish between *dominium* (ownership) and jurisdiction:

It is not the same to have proprietorship and ownership in exterior things as to have jurisdiction, that is the right of discerning what is just and unjust in them, just as princes have the power of judging and discerning as regards the goods of their subjects although they do not have ownership of the thing itself.¹⁷

The pope had no ownership of, or jurisdiction over, the goods of laymen.¹⁸ His ideas should be seen against the background of the intensive contemporary debate about issues of property and poverty. Those, such as the Franciscans, who adhered to an ultimately Augustinian view held that property was unnatural, because there was no property in mankind's natural condition before the Fall. For them, property and government (or jurisdiction) were connected forms of *dominium* instituted by God as remedies for original sin — rulers and governments enforced the laws concerning property. John in contrast followed the Dominican view which accepted the naturalness of property.¹⁹ Aquinas, for instance, had held that the institution of property did not infringe pre-lapsarian natural law but was an addition to it in the conditions obtaining after the Fall.²⁰ According to John, therefore, neither the pope nor secular rulers had *dominium* over the property of individuals. This meant that an individual enjoyed freedom in his property quite apart from any claims from those in power. What the temporal ruler had over the goods of laymen was a power of jurisdiction. The pope was the administrator of the Church's possessions as a whole; bishops were

¹⁶ *De potestate*, c. 3 (Bleienstein, p. 84).

¹⁷ 'Non est idem habere potestatem et dominium in bonis exterioribus et habere iurisdictionem, id est ius discernendi quid sit iustum vel iniustum in ipsis, sicut habent principes potestatem iudicandi et discernendi in bonis subditorum licet non habeant dominium in re ipsa': *De potestate*, c. 8 (Bleienstein, p. 98).

¹⁸ *De potestate*, c. 8 (Bleienstein, p. 101).

¹⁹ See, for instance, Coleman, *A History of Political Thought*, pp. 122–24.

²⁰ 'Proprietas possessionum non est contra ius naturale, sed iuri naturali superadditur per adinventionem rationis humanae': Aquinas, *Summa theologiae*, ed. by Gilby and others, xxxviii, ii a ii ae, q. 66, a. 2 *ad primum*, p. 68.

administrators at the diocesan level. The reason for this was that ecclesiastical possessions were held collectively. There was no role for a universal administrator of goods in the temporal sphere because the goods of laymen were held individually. Any goods a member of the clergy owned as an individual were held on the same terms as those of a layman.²¹ John in so distinguishing between *dominium* and jurisdiction produced an argument which could be used to refute the ideas which Giles of Rome, the leading intellectual of the Augustinian order, had set forth in his tract *De ecclesiastica potestate* (*On Ecclesiastical Power*) of 1302 written in support of the position of Boniface VIII in his dispute with Philip IV.²² The identification of *dominium* with both ownership of property and government was fundamental to Giles's argument, because he attributed to the Church ultimate power over both areas, an argument culminating in his extreme understanding of papal plenitude of power. Giles reached this position by extending fundamentally Augustinian arguments. Giles held that all right to property was not natural but came through the Church because regeneration through the Church's sacraments of baptism and penance, as remedies for sin, was necessary for just possession or ownership. In contrast, John's view was that Christ as man did not have jurisdiction over the goods of laymen and did not therefore commit any such power to Saint Peter.²³ It should, however, be noted that Giles was sensitive to the debate about poverty. He was ambivalent about the clergy's possession of wealth: they should not make wealth accumulation their main aim, but he did believe that members of religious orders vowed to poverty retained their perfection if they held possessions as property of a Church.²⁴

John made no completely clear distinction between temporal and spiritual power at the sub-sacramental level. Temporal power was not totally secular; ecclesiastical power was not entirely spiritual. The reason for this was that he was discussing a society which was in fact Christian. His adoption of naturalistic political concepts did not lead him to produce a clear distinction between Church and state. Rather, for him, the Church's own jurisdiction was natural. John showed that he was, in a way, traditional in his approach because he used

²¹ See *De potestate*, c. 7 (Bleienstein, pp. 96–98) and c. 3 (Bleienstein, pp. 82–84).

²² The precise dating of Giles's *De ecclesiastica potestate* and its relationship with John's *De potestate* remains the subject of debate. But see the essay by Koch in this volume, particularly note 15.

²³ See the lengthy discussion at *De potestate*, c. 8–10 (Bleienstein, pp. 98–117).

²⁴ Giles of Rome, *De ecclesiastica potestate*, ed. by Scholz, bk. 2, c. 1, p. 38.

the phrase *fideles laici* ('faithful laymen') to describe the natural, political men who created communities and governments.²⁵ He also used the wider definition of the Church as the community of the faithful in which the ecclesiastical judge presided in spiritual matters and the secular in temporal ones. John did this when explicating a text from Chrysostom which interpreted a passage from Saint Matthew's gospel that could be employed by his opponents in support of the thesis that the pope had primary power over temporal matters.²⁶ John had another way of refuting the fundamental hierocratic argument that, because the soul was superior to the body and ruled it, temporal power, being rule over bodies, was derived from spiritual power as from a cause. John's answer was that souls as well as bodies were the concern of royal power. He referred to Aristotle in support of his argument:

The philosopher says in the *Ethics* that the intention of the legislator is to make men good and to lead them to virtue, and in the *Politics* he says that, just as the soul is better than the body, the legislator is better than the doctor, because the legislator has the care of souls, the doctor of bodies.²⁷

But in cases of extreme necessity (such as a pagan invasion), the pope also had a claim on the possessions of all believers, clerical and lay, for the good of the faith. Apart from such emergencies involving the common spiritual good, the pope could not dispose of the goods of laymen, but the *princeps* could do so for the common temporal good if the crisis demanded it.²⁸

John also envisaged that there could be crises which justified the indirect intervention of temporal and spiritual powers in each other's affairs. The pope could legitimately encourage the people to depose a heretical ruler or one who

²⁵ *De potestate*, c. 3 (Bleienstein, p. 82).

²⁶ 'Quod dicitur (decimo quarto) [Matthew 18. 15–17]: "Si peccaverit in te frater tuus" etc [...] "dic ecclesiae", respondeo: Chrysostomus exponit: "'Ecclesiae' id est his qui ecclesiae praesident." Si vero ecclesia accipiat non solum pro congregatione clericorum sed generaliter vocetur ecclesia communitas fidelium, sic ecclesiae praesunt et ecclesiasticus iudex in spiritualibus et saecularis in temporalibus': *De potestate*, c. 16 (Bleienstein, pp. 153–54). John had listed this Matthean passage as the fourteenth argument that could be employed by his opponents: *ibid.*, c. 11 (Bleienstein, p. 119).

²⁷ 'Dicit Philosophus in *Ethicis*, quod intentio legislatoris est homines facere bonos et inducere ad virtutem, et in *Politicis* dicit quod sicut anima melior est corpore, sic legislator melior est medico, quia legislator habet curam animarum, medicus corporum': *De potestate*, c. 17 (Bleienstein, p. 157). John gave no precise references to the *Ethics* and *Politics*.

²⁸ *De potestate*, c. 7 (Bleienstein, pp. 97–98).

ignored ecclesiastical censures — in such cases the pope would only be acting *per accidens* ('accidentally'). It would be the people who were directly deposing the ruler. In like manner, the emperor could indirectly excommunicate a criminal or scandalous pope and depose him 'accidentally' through the College of Cardinals. Failing that, the emperor could pressurize the people to depose the pope. John's justification was that 'They both have this power against the other, for both the pope and the emperor have universal and ubiquitous jurisdiction, although the former has spiritual and the latter temporal'.²⁹

The emperor could correct and punish a pope delinquent in temporal matters. John mentioned with approval Emperor Henry III's deposition of two papal claimants.³⁰ Similarly, the cardinals had the right to call in the emperor to achieve the deposition of a pope who was delinquent in spiritual matters.³¹ Clearly, in Chapter 13 John was not adhering to his view expressed earlier in the tract that there was no role for an emperor with universal temporal jurisdiction. This was an inconsistency in his thought. Remnants of a universalist view were also evident in Chapter 10: 'The emperor is greater in temporals, not having a superior above him, just as the pope is in spirituals'.³²

John was also driven by another agenda: his immediate aim was to vindicate the independence of the French crown from the claims of both the pope and the emperor, a topic he addressed in his treatment of the *Donation of Constantine* in Chapter 21.³³ This chapter comes after his in-depth refutation of forty-two arguments which could be put forward in support of the claim that the pope had *potestas primaria* (primary power) from which that of secular rulers derived. Why should John discuss the *Donation*? He did so because it was part of the armoury of papal claims:

It is to be seen what the supreme pontiffs can do by virtue of the gift of the emperor Constantine the Great. For they say that he gave to Sylvester and his successors the western empire and the imperial symbols like his palace, crown, and suchlike. And thus some wish that by reason of the gift the supreme pontiff is emperor and lord

²⁹ 'Et hoc potest uterque in alterum, nam uterque papa et imperator universalem et ubique habet iurisdictionem, licet iste spiritualement et ille temporalem': *De potestate*, c. 13 (Bleienstein, p. 138).

³⁰ *De potestate*, c. 13 (Bleienstein, p. 139).

³¹ *De potestate*, c. 13 (Bleienstein, p. 140).

³² 'Maior est imperator in temporalibus non habens super se superiorem sicut papa in spiritualibus': *De potestate*, c. 10 (Bleienstein, p. 106).

³³ *De potestate*, c. 21 (Bleienstein, pp. 185–91).

of the world and can institute and depose kings like the emperor, and especially when the empire is vacant, and that appeals can be made to him like they can to the emperor.³⁴

At the time John wrote, the validity of the *Donation* was at issue rather than its authenticity; it was proved to be a forgery by Lorenzo Valla in 1440. The *Donation* was only known to John by report. A partial version of the *Donation* was included in Gratian's *Decretum* (via the Pseudo-Isidorian decretals), and it was a stock topic in commentaries on the Roman and canon law.³⁵ The *Donation* purported to confirm papal claims to the papal states in central Italy and accorded to the papacy imperial power in the west, but John was concerned with the *Donation* insofar as it might apply to the kingdom of France. He had therefore to demonstrate that the *Donation* did not give the pope power over the Empire and that France, in any case, was not part of the Empire.

John produced a raft of reasons why the pope had no authority over France by virtue of the *Donation*. Constantine had given Italy to the pope, but there had been no transfer of empire, made by the pope, from the Greeks to the Germans in the person of Charlemagne. What had taken place amounted to a division of the empire between east and west. The pope, therefore, had no power in the kingdom of France by virtue of the *Donation*, because France was not included in the *Donation* and the empire had not been transferred — there were after all still Greek emperors in Constantinople. John then adduced arguments from Roman law against the validity of the *Donation*. He used Accursius's famous argument that it was part of the imperial office to increase rather than diminish the empire — a play of words based on the etymological connection between the imperial title, *augustus*, and *augere* (to increase). Furthermore, the emperor's role was to administer the empire and the *respublica*. Not only that, donations could be revoked by subsequent emperors. In any case, it would be unfitting for successive emperors to give away parts of the empire because the imperial power should encompass a large territory. John then reiterated the story that when the *Donation* was made angels' voices were heard to cry from heaven, 'Today poi-

³⁴ 'Videndum est quid possunt summi pontifices ex dono Constantini Magni imperatoris. Dicunt enim quod Silvestro et successoribus eius dedit imperium occidentale et imperialia signa ut palatium suum, coronam et huiusmodi. Et ideo volunt aliqui quod ratione doni summus pontifex imperator est et dominus mundi et quod potest reges instituere et destituere sicut imperator et praecipue imperio vacante, et quod ad ipsum appellari potest ut ad imperatorem': *De potestate*, c. 21 (Bleienstein, p. 185).

³⁵ *Decretum*, d. 96 c. 4: Friedberg, *Corpus iuris canonici*, I (1879), cols 342–45.

son has been poured into the church!’³⁶ John then produced additional cumulative arguments of a speculative nature. Firstly, even if the *Donation* had been valid and there had been a general donation of the whole empire, the Gauls who became subjects of the empire at the time of Octavian Augustus were in any case not Franks, who were never subject to the Romans or anyone else. Secondly, even if it were conceded that the *Donation* was valid and concerned the whole empire, and that the Franks were part of it (which John did not accept), the pope would still have no power over the kingdom of France because the pope was not the emperor. In any case, even if it were (for argument’s sake) admitted that the Franks were once subject to the emperor, they had gained the kingdom of France by prescription against the claims of the emperor. Holy kings had held the kingdom of France for a long time and in good faith — culminating in the canonized Saint Louis IX (d. 1270). It was important for John to be able to reject the juristic argument that there could be no prescription against subjection to the emperor. If that were admitted, then no kingdom once subject to the emperor could gain sovereignty. The kingdom of France was the prime example of the political arrangement favoured by John: a plurality of kingdoms rather than a universal empire. The Roman Empire, he held, had been founded on force — another reason why it could be removed by violence or prescription. The Roman Empire had no more legitimacy than those which had preceded it and could pass away like them. Furthermore, John rejected any idea that divine providence guaranteed the permanence of the Roman Empire; quite the reverse, it could equally well fall by God’s will: Scripture, he said (referring to Numbers 24 and Daniel 7), made it clear that the Roman Empire more than all others should collapse.

So, what did John’s thoughts on the relationship between temporal and spiritual power amount to? How clear was his thought on this matter? Because he was trying to apply elements of Aristotelian naturalism to a society which was understood to be Christian, he did not consider that temporal power and spiritual power were exercised in separate and strictly demarcated areas. There was a fuzziness round the edges of their respective competences because the secular ruler governed Christian believers and the Church exercised a jurisdiction which was natural in character. There was, in short, overlap between temporal and spiritual power. This led Jean Rivi  re to describe John as having pursued a *via media* in his treatment of what may be termed Church and state.³⁷ The

³⁶ ‘Hodie in ecclesia venenum effusum est’: *De potestate*, c. 21 (Bleienstein, p. 187).

³⁷ Rivi  re, *Le probl  me de l’  glise*, pp. 281–300.

capacity of both powers to intervene indirectly in the deposition of the other was evidence of this. Of the topics which I have considered that of jurisdiction seems to me the most significant. John's perception that temporal and spiritual powers exercised the same kind of natural jurisdiction was the most important contribution of this thought. The emphasis on jurisdiction revealed what ecclesiastical power shared with temporal. It illuminated the Church's aspect which was not purely spiritual and expanded his initial and strictly spiritual definition of the priesthood. The implications of this understanding of the naturalness of jurisdiction were considerable. It entailed both that an individual pope was chosen by the consent of the cardinals and that such consent could if necessary be withdrawn and a delinquent pope deposed by the cardinals or a general council of the Church. Further John's perception of the naturalness of rulership and property enabled him to distinguish between *dominium* (in the sense of ownership) and jurisdiction and thus deny the basis of Giles of Rome's extreme hierocratic position. John's intellectual contribution lay in dealing with the Church in its this-worldly jurisdictional aspect. In so doing he was articulating his ideas within the overall framework of the intellectual approach of the Dominican order, and his work can best be understood within the context of the competing approaches of the different orders of friars. John made his own individual contribution to the Dominican approach working with a considerable debt to Aristotelian naturalism. What made his work distinctive was his concentration on the specific issue of the relationship between temporal and spiritual power. *De potestate regia et papali* was, indeed, written in a scholastic manner with only a couple of references to the dispute between King Philip IV and Pope Boniface VIII, but it was intended as a largely pro-royal contribution to that debate.³⁸ Grappling with such momentous questions John had to go far beyond anything which Aquinas, for instance, had said. There were indeed problems of coherence in John's tract, but his treatment of ecclesiastical jurisdiction in particular contributed considerably to the development of the terms of the debate.

³⁸ Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', p. 71.

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AGAINST EMPIRE? JOHN OF PARIS'S DEFENCE OF TERRITORIAL SECULAR POWER CONSIDERED IN THE CONTEXT OF DANTE'S AND MARSILIUS OF PADUA'S POLITICAL THEORIES

Bettina Koch

It has been argued that John of Paris's distinction between the unitary character of spiritual authority and the natural pluralism of political authority is one of the primary justifications for John's rejection of the doctrine of papal supremacy. More precisely, Arthur P. Monahan has argued that, 'as long as unqualified acceptance was given to the principle that all things must be subordinated to one, there was no logical escape from the doctrine that the temporal must be subordinated to the spiritual, whose ultimate unitary embodiment was the papacy'.¹ While this reading appears to be logically sound, soon after John of Paris wrote his treatise, both Dante Alighieri, in *Monarchia*,² and Marsilius of Padua, in *Defensor pacis*,³ argued for the existence of an independent temporal

¹ Monahan, 'Introduction', in John Quidort of Paris, *On Royal and Papal Power*, trans. by Monahan, p. xxvi. Quotations in English translation are taken, with occasional modifications, from John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt. Arthur P. Monahan's later translation fails to state clearly which of the two critical editions it is based on, though the lack of any references to Fritz Bleienstein suggests that the translation is based on Jean Leclercq's edition.

² All English language quotations, with occasional alterations, are taken from the Shaw edition of *Monarchia* in consultation with Anthony K. Cassell's translation.

³ All references to the *Defensor pacis* are taken from the standard edition: Marsilius of Padua, *Defensor pacis*, ed. by Scholz. For English language quotations, this essay uses Alan

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sphere without abolishing 'the principle that all things must be subordinated to one'. Indeed, in *Monarchia*, Dante intends to demonstrate that the existence of a single supreme authority over temporal matters is necessary for the well-being of the world.⁴ To analyse these apparent contradictions, this essay will reassess these three thinkers' arguments for and against empire from a philosophical perspective. If, to avoid the supremacy of the spiritual sphere, there is no logical solution except to abolish the theorem of one polity in the temporal sphere, then Marsilius, at least where empire is concerned, and even more so Dante Alighieri have failed in their attempts to argue consistently for the independence of the temporal realm from ecclesiastical interference. In other words, does John have to give up the notion of empire to be able to argue for the independence of the secular realm from the spiritual sphere? Viewed from a historical perspective, the three theorists' philosophical stances correspond to their historical circumstances. Therefore, before analysing John Quidort's *De potestate regia et papali*, Dante's *Monarchia*, and Marsilius of Padua's *Defensor pacis* with respect to the consistency of their internal arguments, it is necessary to discuss the historical contexts of these three authors and their texts. In addition, it is necessary to outline, at least briefly, the ways in which these three treatises are in an explicit dialogue with each other. The concluding remarks reassess Monahan's thesis from this comparative perspective.

John Quidort, Dante Alighieri, and Marsilius of Padua in Context

All three authors struggle with the relation between temporal and spiritual power and argue for the existence of an independent secular sphere. The similarity of these authors' concerns leads one to expect that explicit references to John of Paris would be found in the works of Dante and Marsilius. This, however, is not the case. Dante's *Monarchia* is lacking any reference to *De potestate*

Gewirth's translation, reissued with an afterword and bibliography by Cary J. Nederman: Marsilius of Padua, *Defensor Pacis*, trans. by Gewirth. Because Gewirth's translation is based on an earlier edition, Marsilius of Padua, *The 'Defensor pacis'*, ed. by Previté-Orton, I have taken the liberty of correcting occasional mistakes and of adjusting Gewirth's translation to the Latin text of the Scholz edition. Annabel Brett's recent translation, Marsilius of Padua, *The Defender of the Peace*, trans. by Brett, is an improvement on the Gewirth translation in terms of readability. However, like Gewirth's, Brett's translation is primarily based on Previté-Orton's text, although she claims to have made some adjustments based on the Scholz edition, albeit inconsistently. As Brett comments in her 'Note on the translation', p. xl, she only incorporated 'some readings, where [she] felt them to be preferable, from the edition by R. Scholz'.

⁴ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. I, c. 2, 2–3.

regia et papali, despite Anthony Cassell's suggestion that 'Dante had read and absorbed John of Paris' *On Royal and Papal Power*'.⁵ Similarly, in *Monarchia*, Dante never refers explicitly to the conflict between King Philip the Fair of France (r. 1285–1314) and Pope Boniface VIII (r. 1294–1303). This impression changes in Dante's *opus magnum*, *Comedia Divina*. Even indirect references to Pope Boniface VIII are numerous in this work, though it is uncertain whether *Paradiso* canto 18, line 130 refers to Boniface or to Pope John XXII (r. 1316–34).⁶ However, it is undeniable that Boniface's aggressive politics in Italy had a direct impact on Dante's life. As Mark Musa points out, because of the Pope's plotting against the Whites in Florence, Boniface 'was ultimately responsible for the poet's exile in 1302'.⁷

In *Defensor pacis*, Marsilius is similarly silent with respect to both John Quidort and Dante. Direct references to John of Paris appear only in a gloss in the margins of manuscript L of 1401, added by the amanuensis, that corresponds with Discourse I, c. 9, 10 and c. 17, 10.⁸ The amanuensis's comments are not accidental. The two sections referred to are in agreement with John's teaching in *De potestate regia et papali*. In these sections, Marsilius first discusses the need for different kinds of politics in different regions and then discusses — and rejects — the idea of a universal government for all mankind. Marsilius is similarly cautious with references to Dante's *Monarchia*. Dante is never mentioned by name, though scholars have detected a small number of indirect references. Previté-Orton suggests that there is a relationship between Discourse I, c. 11, 5 and *Monarchia*, Book I, c. 11, 13.⁹ Scholz sees an implicit disagreement with Dante in *Defensor pacis*, Discourse I, c. 16, 10, in which Marsilius discusses the disadvantages of a hereditary monarchy. In addition, *Defensor pacis*, Discourse I, c. 17, 10, which is the same paragraph to which the amanuensis of manuscript L has added his reference to John Quidort, seems to have been written in direct opposition to Dante's concept of universal monarchy.¹⁰ Although the absence of direct references to previous authors can be a source of frustration

⁵ Cassell, *The Monarchia Controversy*, p. 98.

⁶ See, for instance, *Inferno*, canto 27, ll. 73–117; *Purgatorio*, canto 20, l. 88; *Paradiso*, canto 12, l. 90; canto 27, ll. 20–27; canto 30, ll. 146–48. I have used Dante Alighieri, *Divine Comedy*, trans. with a comm. by Musa.

⁷ Dante Alighieri, *Divine Comedy*, trans. with a comm. by Musa, II: *Inferno*, Commentary, p. 261.

⁸ Scholz, 'Einleitung', in Marsilius of Padua, *Defensor pacis*, ed. by Scholz, p. ix.

⁹ Marsilius of Padua, *The 'Defensor pacis'*, ed. by Previté-Orton, p. 45, n. 5.

¹⁰ See Marsilius of Padua, *Defensor pacis*, ed. by Scholz, p. 99, n. 1; pp. 118–19, n. 2.

for modern scholars, for medieval authors, it was the rule rather than the exception. Approximately one third of Marsilius's entire treatise is borrowed without any acknowledgment of other sources. Similarly, except for Henry of Cremona, John does not mention any of his contemporaries by name.¹¹

However, if these three treatises are placed in their historical contexts, the authors' individual preferences for or against empire appear to correlate with the political disputes to which they were responding. John Quidort's *De potestate regia et papali* is usually read in the context of the conflict between Pope Boniface VIII and Philip the Fair, which is sufficiently known and does not need to be narrated here.¹² The treatise is usually dated 1302 or early 1303¹³ and is typically read as a response to Giles of Rome's *De ecclesiastica potestate*,¹⁴ although it has been disputed whether we have sufficient textual evidence to uphold this assumption.¹⁵ For the purpose of this essay, however, knowing the

¹¹ Scholz, 'Einleitung', in Marsilius of Padua, *Defensor pacis*, ed. by Scholz, pp. lxi–lxvi; Watt, 'Introduction', in John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 38.

¹² For an excellent overview of the theoretical aspect of the dispute, see Briguglia, *La questione del potere*. See also Miethke, 'Die Rolle der Bettelorden'; Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 19–25.

¹³ Bleienstein, 'Einführung', in John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein, p. 14; Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 10–14, where Leclercq concludes, 'la date approximative de notre traité reste la fin de 1302 ou les premiers mois de 1303; il paraît impossible de préciser davantage' (p. 14). This approximate date is also shared by Scholz, *Die Publizistik zur Zeit*, p. 298; Miethke, *De potestate papae*, p. 117. Recently, however, Coleman, 'The Dominican Political Theory', pp. 188–89, and, more recently, Coleman, *A History of Political Thought*, p. 121, has suggested that the treatise might have been written earlier and should not necessarily be seen as having been written 'in direct response to Boniface VIII's *Clericis laicos* (1296), *Ausculti fili* (1301) or *Unam sanctam* (1302)', though none of the before mentioned scholars assume that John had knowledge of *Unam sanctam* or that Boniface's famous bull was known in Paris when John wrote his treatise. Jones, *Eclipse of Empire?*, p. 329, suggests that John had prepared his treatise 'most probably between December 1301 and November 1302'. Finally, Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', p. 72, reads John's treatise in its final redaction as an 'Initialzündung, die eine Reaktion von päpstlicher Seite geradezu herausforderte' and considers it a 'Rechtfertigung für die Zurückweisung der päpstlichen Forderungen auf der Ständerversammlung im April 1302', which indicates that John may have completed *De potestate regia et papali* in late 1301 or early 1302. However, Ubl emphasizes that John's treatise can only be read appropriately in the conflict between Philip and Boniface: *ibid.*, p. 44.

¹⁴ Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson.

¹⁵ In his introduction to his translation Watt doubts that we have sufficient proof that John actually read Giles of Rome's *On Ecclesiastical Power*, arguing that the textual resemblances between Giles and John could also be the result of Giles's borrowing from Hugh of Saint-

exact date of composition is not essential. Even if we assume that John wrote his treatise, or parts of it, slightly earlier than 1302/03 (or before April 1302, as Karl Ubl suggests), it is still historically placed in the context of the conflict between Pope Boniface and Philip the Fair. Indeed, Jürgen Miethke ascribes to John a significant and leading role in the conflict between Boniface and Philip and even suggests that John might have assisted the royal court, although Arthur P. Monahan is rather sceptical about John's distinguished role.¹⁶

While John of Paris's writings can be easily placed within the intellectual context of the University of Paris and the historical conflict between Boniface and Philip, ascribing a specific context to Dante's *Monarchia* is more challenging. The most obvious reason for this difficulty is the simple fact that Dante is a public intellectual, not an academic in the same sense as John or Marsilius. Arthur P. Monahan describes Dante as 'an impassioned advocate of strongly held and changing personal political views'.¹⁷ Furthermore, the exact date of composition for Dante's *Monarchia* was disputed for decades. As a consequence, the clarity that exists for John Quidort's *De potestate regia et papali*, the political context for which seems clear, did not exist for Dante's *Monarchia* until Cassell's ground-breaking study *The Monarchia Controversy*.¹⁸ Cassell makes a convincing claim that Dante wrote, or at least started writing, *Monarchia* in 1318, which places the work clearly in the context of the controversy between Pope John XXII and Ludwig of Bavaria (d. 1347).¹⁹

Victor and Saint Bernard: Watt, 'Introduction', in John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 43. In contrast, Scholz, *Die Publizistik zur Zeit*, p. 293, points out that John repeats word by word the main content of Giles's argument. Scholz stresses that the final chapter is nothing but an extract, though with significant alterations, from Giles of Rome's *De ecclesiastica potestate*. A similar argument can be found in John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein, pp. 15–16. See also the contribution by Canning in this volume. For alternative perspectives, see the essay by Theng and that by Lanza and Toste.

¹⁶ Miethke, *De potestate papae*, p. 117. In contrast, Monahan indicates that we have 'no substantial evidence [...] John was acting more forcefully than any of his fellow Dominicans': Monahan, 'Introduction' to John Quidort of Paris, *On Royal and Papal Power*, trans. by Monahan, p. xvii.

¹⁷ Monahan, *Consent, Coercion and Limit*, p. 206.

¹⁸ If one follows Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', p. 44, it was the conflict between the French King and the Pope that initiated John's interest in political themes and political philosophy.

¹⁹ Cassell, *The Monarchia Controversy*, p. 3. For a brief outline of Carlo Dolcini's unconvincing attempt to date *Monarchia* to 1312/13 and the establishment of the standard date,

In contrast with the first two works, the key question for Marsilius's *Defensor pacis* is not when he wrote, or at least finished, his *opus magnum*. This information is provided by an epigram at the end of *Defensor pacis*, which testifies that Marsilius completed his book on Saint John's Day (24 June), 1324.²⁰ Instead, the crucial question is what motivated Marsilius to write *Defensor pacis*. The text itself, again, is relatively cautious about making reference to contemporary issues. Although Marsilius's dedication to Ludwig in *Defensor pacis* seems to indicate that this book was written explicitly in support of the emperor-elect, Marsilius refers to Ludwig of Bavaria, explicitly and by name, only a few times in a work that exceeds six hundred pages in Scholz's modern edition.²¹ Pope John XXII never appears by name. This, however, does not mean that John XXII is absent. Indeed, Marsilius refers to and quotes a number of bulls issued by John. In addition, Marsilius alludes to Pope John XXII indirectly by referring to him, for instance, as 'the often mentioned bishop' (*sepe dictus episcopus*).²²

However, the key problem with Marsilius's *Defensor pacis* is the limited number of available sources that can shed light on the events of the crucial years before its completion. For instance, the circumstances of Marsilius's departure from Paris and his arrival in Nuremberg have been the subject of ongoing debate. Early in the debate, James Sullivan assumed that Marsilius and John of Jandun went to Nuremberg shortly after the completion of *Defensor pacis*, 'probably at the invitation of Louis of Bavaria'. C. Kenneth Brampton, however, speaks of a flight that was 'hurried and unexpected', an interpretation that is shared by Jürgen Miethke. For decades, the majority of scholars favoured this flight thesis, assuming that Marsilius fled Paris in haste after his authorship became known.²³ Thanks to the work of Frank Godthardt, we have strong evidence that Marsilius did not flee Paris suddenly and hastily after his authorship became known. Godthardt proves convincingly that Marsilius's (and John of Jandun's)

prior to Cassell's study, of 1316–18 by Flüchler, Imbach, and Shaw, see Cassell, *The Monarchia Controversy*, pp. 203–04, n. 1.

²⁰ Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. III, c. 3, p. 613.

²¹ For the dedication, see Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. I, c. 1, 6, p. 8; for the further references, D. II, c. 3, 14, p. 157; D. II, c. 24, 8, p. 456; D. II, c. 26, 11–12, 17, pp. 497–98, 512; D. II, c. 30, 7, p. 599.

²² Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. II, c. 26, 8, p. 495. For Marsilius's quotations of the bulls issued by John XXII, see *ibid.*, 'Autorenzitate', p. 633.

²³ Sullivan, 'Marsiglio of Padua', p. 412; Brampton, 'Marsiglio of Padua', p. 508. Haller, 'Zur Lebensgeschichte', responds to Brampton and aims to sort fact from fiction, though he nevertheless favours the flight thesis. See also Miethke, *De potestate papae*, p. 224. For the few secure dates in Marsilius's life, see Koch, 'Marsilius of Padua'.

journey to Ludwig's court had been planned long in advance. Godthardt favours September 1324 as Marsilius's and John of Jandun's most likely date of arrival at Ludwig's court, which means that they must have departed from Paris soon after the *Defensor pacis*'s completion.²⁴ This, as it now appears, planned and well-prepared departure for Ludwig's court implies that *Defensor pacis* can and should be read entirely in the context of the conflict between Ludwig and John XXII.²⁵ The same historical context seems to provide the backdrop for Dante's *Monarchia*, if one follows Cassell's dating, while John's *De potestate regia et papali* contributes to Philip the Fair's case against Pope Boniface VIII. The conflicts these three theorists respond to seem to predict their preference, either for the concept of empire (Dante and Marsilius, though the latter considers both smaller polities and the empire) or for a territorial realm (John Quidort). The next section explores whether these three authors make a philosophically convincing case for their preference for either an empire or a territorial realm. I will discuss the three authors' theories in chronological order, starting with John Quidort.

John of Paris, Dante, and Marsilius: Philosophical Perspectives on Empire

Scholars' conclusions about the theories of John of Paris are by no means consensual. Either his conservative features are highlighted or his originality emphasized. Out of all his work, John's theory of property has perhaps received the most recent scholarly attention.²⁶ With regard to John's commentary on the *Sentences*, Martin Grabmann describes him as an independent thinker who approaches new problems and offers original solutions. He characterizes John as an author who is 'sehr scharfsinnig, aber nicht spitzfindig'.²⁷ This assessment also seems to apply to John's *De potestate regia et papali*, which answers to Cary J. Nederman's description of John's work as a 'creative synthesis'.²⁸ His treatise was not a 'bestseller'; Miethke counts only thirty-four surviving manuscripts. In

²⁴ For a short account describing why it is unlikely that Marsilius fled Paris, see Godthardt, 'The Philosopher as Political Actor'. For a more detailed outline, see Godthardt, *Marsilius von Padua*, pp. 41–88.

²⁵ For further discussion, see Koch, 'Priestly Despotism', p. 165f.

²⁶ See, for instance, Coleman, 'Dominium in Thirteenth and Fourteenth-Century Thought'; Coleman, 'Medieval Discussions of Property'.

²⁷ Grabmann, *Studien zu Johannes Quidort von Paris*, pp. 41, 57.

²⁸ Nederman, *Lineages of European Political Thought*, p. 226.

comparison, we have thirty-two witnesses of *Defensor pacis*, and Shaw presents twenty complete and one incomplete witness of Dante's *Monarchia*.²⁹ However, the number of manuscripts that have survived is still impressive and implies not only that his contemporaries had an interest in his work but also that it was preserved by the generations that followed.³⁰ As Gregorio Piaia points out, John is not a theorist who thinks in extremes. Rather, he applies 'il principio della *via media* al tema della *potestas ecclesiasticorum pontificum*'.³¹ In this evaluation, one can also locate John's primary concern, namely, that property and coercive power belong to temporal jurisdiction. For John, these powers are contradictory to the nature of Church dignitaries.³² Consequently, John develops his argument for the relative independence of the territorial realm in opposition to the power of the Church but not explicitly against the concept of empire.³³ Indeed, in the first two chapters of *De potestate regia et papali*, he analyses the nature and origin of both kingship and priesthood. To reveal his preference for regional temporal power, one has to read John's work against the grain, even though his argument for kingship over empire is embedded in his general discussion of the relationship between temporal and spiritual or ecclesiastical power.

A careful reading of *De potestate regia et papali* reveals three essential reasons that justify John's preference for kingship over empire. First, kingship derives from natural law and the law of nations (*ius gentium*), and, by divine will, peoples are different; they differ with respect to geography, language, and lifestyle. Second, the physical reach of temporal power is limited. Unlike the spiritual word, the secular arm cannot reach a subject who lives far away. Third, John considers kingdoms to be more peaceful than empires. In what follows, I will outline these three reasons in more detail and critically assess them.

John's first reason is a constructive and Christianized adaptation of Aristotle's concept of the 'best polis'. This concept, as outlined in the *Politics*, has been adjusted by John to the notion of kingship. John describes humans in a (medieval) Aristotelian fashion as being, by nature, political and social beings

²⁹ Miethke, 'Das Publikum politischer Theorie', pp. 6–8, n. 29; Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, apparatus.

³⁰ Compare with the essay by Lanza and Toste in this volume.

³¹ Piaia, 'L'"Errore di Erode"', p. 6.

³² *De potestate, Proemium* (Leclercq, p. 175; Bleienstein, p. 72).

³³ I speak of 'relative independence' because, as Wolfgang Stürner rightly points out, John does not argue for a strict separation of the temporal and the ecclesiastical sphere; both spheres remain mutually interdependent: Stürner, 'Adam und Aristoteles', p. 388. On this point, see also the preceding essay in this volume by Canning.

(‘animal civile seu politicum et sociale’).³⁴ By necessity of nature, humans are equipped to live in communities, ideally in kingdoms. John’s preference for kingship becomes obvious in his definition of a royal government. He defines it as ‘the government of a perfect or self-sufficient community by one man for the sake of the common good’.³⁵ This definition also implies that John does not give up the principle of *unum* in the temporal sphere. Rather, he draws an analogy between the royal government and the soul that keeps all of the elements of the body together.³⁶ His strongest argument here is related to his view that government is based on natural law and the law of the people (*ius gentium*).³⁷ A citizenry has the right to choose its own government; natural law and *ius gentium* are sources of legitimacy. Consequently, throughout *De potestate regia et papali*, one finds numerous references to the rights of the king, though these references are not systematic. He ascribes to the king the right to judge what is just and unjust,³⁸ although he seems to undermine his own argument later when he states, ‘for both the pope and emperor have universal jurisdiction, though the one has spiritual jurisdiction and the other temporal’.³⁹ In addition, John asserts that both popes and kings are appointed by God.⁴⁰ If kingship depended on the papacy and had to abide by the laws approved by the pope, temporal government, according to John, would be jeopardized and eventually destroyed.⁴¹ Moreover, John believes that it is God’s will that people live in different territories. People therefore have the right, because of a natural disposition ordained by God, to choose the type of government and rule under which they live. This ability to choose leads to the existence of diverse communities that differ in climate, language, and customs. What is appropriate for one nation, therefore, is not necessarily suitable for another.⁴²

While John’s first reason for preferring kingship and territorial temporal power is born out of a necessity that originates in divinely created human

³⁴ *De potestate*, c. 1 (Leclercq, p. 177; Bleienstein, p. 77).

³⁵ *De potestate*, c. 1 (Leclercq, p. 176; Bleienstein, p. 75); English translation: Watt, p. 76.

³⁶ *De potestate*, c. 1 (Leclercq, p. 177; Bleienstein, p. 77).

³⁷ *De potestate*, c. 1 (Leclercq, p. 178; Bleienstein, p. 78). See also Bielefeld, ‘Von der päpstlichen Universalherrschaft’, p. 88.

³⁸ *De potestate*, c. 7 (Leclercq, p. 189; Bleienstein, p. 97).

³⁹ *De potestate*, c. 13 (Leclercq, p. 214; Bleienstein, p. 138); English translation: Watt, p. 157.

⁴⁰ *De potestate*, c. 17 (Leclercq, p. 226; Bleienstein, p. 158).

⁴¹ *De potestate*, c. 17 (Leclercq, p. 228; Bleienstein, p. 160).

⁴² *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, p. 83).

nature, his second reason again relates to necessity that originates in humans' imperfection. John refers to the limited reach of temporal power, by which he means physical and coercive power, by stating that

because one man alone cannot rule the world in temporal affairs as can one in spiritual affairs. Spiritual power can easily extend its sanctions to everyone, near and far, since it is verbal. Secular power, however, cannot so easily extend its sword very far, since it is wielded by hand. It is far easier to extend verbal than physical authority.⁴³

This argument seems to be reasonable as long as one allows John's general claim that coercive power belongs only to the temporal sphere and not to the spiritual realm and is therefore outside the jurisdiction of ecclesiastical power. This, of course, was the most hotly disputed issue in medieval political thought at this time.

John's third argument seems to be his least convincing, though in it he makes his most straightforward statement defending the advantage of kingship over empire. While he concedes that rule by one is preferable to rule by many because the many may disagree among themselves, John does not apply this principle to imperial rule. He considers kingdoms to be more peaceful than empires, claiming that the world is more peaceful without an imperial presence. To illustrate his point, he claims that the world did not see much peace during the ascendancy of the Roman Empire and that the world was more peaceful before the Romans gained power and has experienced more peace since the empire's fall. John, however, does not consider it necessary to give much evidence to support his claim, though he quotes Augustine in an earlier chapter to indicate that the Roman Empire was considerably more peaceful while its borders remained those of the Romans' native lands.⁴⁴ For him, his opinion is an obvious fact, and he concludes by saying simply that 'dreadful crimes and great strife run riot throughout the world, details of which are unnecessary here'.⁴⁵

While John Quidort sees evidence for his preference for kingdoms in compilations known to him as the *Chronicles* of Sigebert and in the *Chronicles of the Romans*, he nonetheless presses his point further. He argues that the Roman Empire ruled over other peoples that had been subjected by force and had not chosen their government freely. John asks whether this gives subjected

⁴³ *De potestate*, c. 3 (Leclercq, p. 181, Bleienstein, p. 82); English translation: Watt, p. 86.

⁴⁴ *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, pp. 83–84).

⁴⁵ *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 190); English translation: Watt, p. 277.

peoples the right to throw off their yoke by force.⁴⁶ Moreover, he doubts the legitimacy of the claim that an empire is justified because it is from God. John points out that the Greeks claimed to have received their empire from God. If the Romans could claim that the Greeks had forfeited their empire, leaving it free to be claimed by the Romans, other peoples could claim the empire using similar arguments. Furthermore, John notes that other empires existed before the Roman Empire. Referring to the Babylonians, the Carthaginians, and the empire of Alexander the Great, John concludes, 'Each of these empires was just as much from God as the Roman empire'.⁴⁷ It is of interest to note that John Quidort outlines his reservations towards the necessity of empire in the context of his discussion of the *Donation of Constantine*, which seems to reveal his primary motive for favouring territorial power.⁴⁸ Returning to doubts he had raised earlier about the conclusiveness of the ecclesiastical argument for empire, John disputes the claim that the Empire belongs to the papacy because of the emperor's sins. John considers this argument 'ridiculous' because it was God's wish that good and bad people live together in empires and kingdoms. In addition, he argues that the world has also seen criminal and heretical popes. Even if an emperor loses his right to the Empire through his guilt, John asserts, it does not mean that this right transfers to the papacy.⁴⁹

However, John Quidort's primary concern is *not* the consequence of the *Donation of Constantine* for the Roman Empire; his concern is 'what authority the pope may have by virtue of the *Donation*, particularly over the king of France'.⁵⁰ John finally concludes that the papacy does not possess any power over the French king. He justifies his conclusion by claiming that even if the *Donation of Constantine* was of any value, it could apply only to the territory that was in the Empire during Constantine's rule. France was not part of the Empire at this time, and the *Donation*, therefore, could not have any impact on the French king's rights. John argues further that the transfer of the Empire to

⁴⁶ *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 190).

⁴⁷ *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 191); English translation: Watt, p. 227.

⁴⁸ For a general outline of the origin and history of the *Donation of Constantine*, see Fried, *Donation of Constantine*.

⁴⁹ *De potestate*, c. 10 (Leclercq, p. 198; Bleienstein, pp. 111–12); c. 19 (Leclercq, pp. 234–35; Bleienstein, p. 172).

⁵⁰ *De potestate*, c. 21 (Leclercq, p. 243; Bleienstein, p. 185); English translation: Watt, p. 220.

the Germans did not establish a world or universal government. Rather, it split or reconstituted the realm and the title of emperor.⁵¹

Although John's focus on the French realm implies that he does not have to be concerned about the relationship between the pope and the emperor, it is worth noting that he does not give up the duality between the pope and the emperor. His argument that temporal power not be subjected to ecclesiastical or spiritual power is in itself indicative of this notion. At least with respect to the second and third redaction of his treatise, John does not seem to have any other reason for his position, therefore, at least based on the textual evidence, than to support the French king.⁵² Given the particular status of the French kingdom, however, it would likely have been easier to argue for its independence from the papacy than to argue in support of the Roman Empire. Yet, while John argues for the French realm's independence, he leaves one loophole open. This loophole concerns cases of emergency: John grants the pope power over the property of believers in cases of extreme spiritual necessity. The same right belongs to the temporal ruler in cases of worldly emergencies.⁵³ Although this argument is based on the common medieval rule that necessity overrides all law, John Quidort falls short in defining such emergencies and does not make explicit to whom, when in doubt, the right belongs to define a case of extreme necessity.⁵⁴ However, the fundamental principle that stands behind this reasoning, namely, the idea of mutual aid between temporal and spiritual powers, is a motive that guides not only John of Paris but, to a greater extent, Dante Alighieri in his *Monarchia*.⁵⁵

In essence, Dante's *Monarchia* has the same purpose as John of Paris's *De potestate regia et papali*, namely, to prove the independence of temporal author-

⁵¹ *De potestate*, c. 21 (Leclercq, p. 244; Bleienstein, p. 186). In essence, the way John describes the newly founded Roman Empire fits into a construct that Thomas Barfield has called a 'shadow empire': Barfield, 'The Shadow Empires'.

⁵² For a brief outline of the textual development of the treatise, see Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', p. 57.

⁵³ *De potestate*, c. 7 (Leclercq, pp. 189–90; Bleienstein, pp. 97–98).

⁵⁴ See Shogimen, *Ockham and Political Discourse*, pp. 180–81.

⁵⁵ Dante's *Monarchia* has been and still is the object of a substantial interpretative controversy that focuses primarily on Thomistic and Averroistic influences and his alleged or doubted conservatism. For a thorough overview of this scholarly controversy, see Imbach and Flüeler, 'Einleitung', in Dante Alighieri, *Monarchia: Lateinisch/Deutsch*, ed. and trans. with a comm. by Imbach and Flüeler, pp. 50–57. For the problem of Averroism more generally, see Butterworth, 'What Is Political Averroism?'

ity from the papacy. In addition and contrary to John's treatise, however, Dante aims to demonstrate the absolute necessity of world government, which he calls monarchy. According to Ruedi Imbach, Dante's argument 'proves [to be] strictly rational and exclusively philosophical'.⁵⁶ In his discussion of the temporal realm, Dante focuses on the mutual interdependence of the Empire and philosophy (in an Aristotelian sense) in establishing and maintaining a moral order. In this relationship, philosophy is necessary to 'disclose how this moral order should look'.⁵⁷ Due to its anti-papal sentiments, Dante's *Monarchia* was put on the *index librorum prohibitorum* in 1564 and remained there until 1881.⁵⁸ While *Monarchia*'s main purpose is similar to John Quidort's, namely, to demonstrate the independence of the political sphere from papal interference, the treatise's *telos* is universal peace, a goal Dante's work shares with Marsilius's *Defensor pacis*.⁵⁹ In direct contradiction to John of Paris, Dante aims to demonstrate the necessity of world government. Moreover, Dante is keen to prove that the Empire belongs rightfully to the Romans and that the emperor's power is derived directly from God.⁶⁰ Only the third issue is in agreement with the ideas expressed by John of Paris. Despite their shared goals, the nature of Dante's and John of Paris's treatises could not be more different. John's tract is primarily scholarly and theoretical. Dante, in contrast, understands his *Monarchia* explicitly as a work that is 'directed primarily [...] towards action'.⁶¹

Dante's argument for the necessity of a universal government is based on his assumptions about the purpose of human society or mankind as a whole. While he admits, with Aristotle, that different communities have different goals, his focus in *Monarchia* is on one goal, which was determined by man's divine creation and is therefore part of universal human nature. In essence, Dante begins with the same assumptions as John of Paris, though he draws different conclusions about the effect of this divinely created human nature. For Dante, man-

⁵⁶ Imbach, "Und niemand regiert auf der Welt", p. 53. Cassell warns us that, at least to the modern reader, his deductions appear to be 'unsound': Cassell, *The Monarchia Controversy*, p. 31.

⁵⁷ Herde, 'Dante als Sozialphilosoph', p. 91.

⁵⁸ For a capable overview of the early history of its reception, see Cheneval, *Die Rezeption der Monarchia Dantes* and Cassell, *The Monarchia Controversy*.

⁵⁹ Comoth, 'Pax Universalis', p. 341; Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. I, c. 1, 1, pp. 1–2.

⁶⁰ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. 1, c. 2, 3.

⁶¹ 'manifestum est quod materia presens non ad speculationem per prius, sed ad operationem ordinatur': Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. 1, c. 2, 6.

kind's goal cannot be achieved in a single city or kingdom, but requires the participation of the entire human society. Dante calls this mobilization the actualization of the potential or possible intellect, a concept he adapted from Averroës.⁶² Moreover, he argues, like a quasi-Platonic Aristotle, that all things must be ordered to a single end and adds that, while a city has the same end as a kingdom, the latter is more peaceful. From this Dante concludes 'that the well-being of the world requires that there be a monarchy or empire'.⁶³ It is essential for Dante that there is no 'third party' outside of the emperor's jurisdiction, for without a supreme judge, peace cannot be maintained.⁶⁴ Dante, however, comes up with another reason, rooted in human nature, for the necessity of world government: greed. He considers greed to be the opposite of justice and a vice that corrupts human nature. Contrary to a ruler of a limited territory, the universal monarch's jurisdiction does not end at a border, thus making him the servant of all. He is therefore assumed to be free of greed and does not have any occasion to act greedily. Dante concludes with another borrowing from Aristotle, stating 'that unity seems to be the root of what is to be good, and plurality the root of what is to be evil'.⁶⁵ In direct contradiction to John of Paris, who used the example of the Roman Empire to demonstrate that the world was less peaceful when ruled by one emperor, Dante invokes Augustan Rome as a pre-existing model of a perfect monarchy.⁶⁶ This nostalgic representation, as Andreas Osiander has rightly pointed out, 'is very much medieval and bears no resemblance to the [empire] ruled by Augustus'.⁶⁷

⁶² Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. 1, c. 3, 2–9. While Dante makes an explicit reference to Averroës in the text, Dante's 'Averroism' is heavily disputed. For instance, Davis, 'Dante and the Empire', p. 265, doubts whether Dante accepts 'Averroës' view of only one possible intellect for the whole human race' because 'for Dante, as for Aquinas, there were as many such intellects as there were people'. This interpretation, however, undermines Dante's entire project of universal monarchy. For the Averroës controversy, see Hollander, *Dante: A Life in Works*, p. 153. For a more detailed outline, see Mancusi-Ungaro, *Dante and Empire*, pp. 129–50.

⁶³ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. 1, c. 5, 8–10.

⁶⁴ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. 1, c. 6, 3; bk. 1, c. 10, 4–6.

⁶⁵ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. 1, c. 11, 11–12; bk. 1, c. 13, 7; bk. 1, c. 15, 2.

⁶⁶ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. 1, c. 16, 1. These references to Augustan Rome, however, were not uncommon among Dante's contemporaries: Jones, *Eclipse of Empire?*, p. 314.

⁶⁷ Osiander, 'Before Sovereignty', p. 140.

Clinging to his nostalgic notions, however, Dante continues by investigating whether 'the Roman people take the dignity of empire by right'.⁶⁸ First, Dante contends that the Romans are noble and, therefore, have the right to rule over less noble peoples. Second, he claims that the Roman Empire was 'aided by the help of miracles to achieve supremacy'. Third, he invokes Cicero to claim that the empire's wars were only fought in support of allies or to maintain supremacy. Fourth, following Aristotle, Dante claims that some people are born to rule, while others are born to serve. Dante concludes that the 'people who won the race to rule the world against all competition did so by divine decree'.⁶⁹ This reasoning, supported by ancient Greek and Roman philosophy, constituted, for Dante and most of his contemporaries, a convincing argument. Some of Dante's justifications appeared later in support of modern colonialism or have been used to justify U.S. foreign policy for the last few decades.⁷⁰ From a strictly philosophical point of view, they do not seem to be sufficiently convincing, a point conveyed by Cassell's suggestion that they appear 'unsound' to the modern reader. With the apparent exception of John of Paris, however, these arguments did seem sound to fourteenth-century authors. Dante's final reason, however, for which he relies on principles of the Christian faith, is deeply informed by this line of reasoning. Dante claims that, even if the Romans did not possess their empire rightfully, but did so unjustly, 'Christ by his birth [would have] assented to an injustice; the consequence is false; therefore the contradictory of the antecedent is true'. However, 'Christ chose to be born [...] under an edict emanating from Roman authority'.⁷¹

Dante's and John's philosophies are not always so widely divergent. When Dante attempts to prove in Book III of *Monarchia* that the temporal ruler receives his authority directly from God, his argument is grounded in reasons familiar to and shared by John of Paris, though he adds some of his own original interpretations. Dante outlines the elementary differences between divine authority and the authority of Peter and his successors.⁷² In doing so, his refutation of the two-swords theory does not lack originality. Contrary to his less convincing argument that the Empire belongs rightfully to the Romans, his bib-

⁶⁸ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. II, c. 2, 1.

⁶⁹ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. II, c. 3, 2; bk. II, c. 4, 4; bk. II, c. 5, 7; bk. II, c. 6, 7; bk. II, c. 8, 1; bk. II, c. 9, 12.

⁷⁰ Fitzpatrick, 'Terminal Legality', pp. 20–21.

⁷¹ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. II, c. 10, 4, 6.

⁷² Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. III, c. 7, 5.

lical exegesis seems to be conclusive, even for the modern reader. He accuses the Church of a false allegorical interpretation of Luke 22. 38, 'Ecce gladii duo hic'; the two swords in this passage were read by the Church as representing temporal and ecclesiastical power, both in the hands of Peter. Dante insists that this quotation from Luke be read in context. He then points out that 'Peter was in the habit of speaking without reflecting [...] which came not just from the sincerity of his faith, but [...] from his simple and ingenuous nature'.⁷³

In addition to this argument, Dante, like John of Paris, rejects any papal claim that derives from the *Donation of Constantine*. Dante's arguments are similar to John's: he outlines that Constantine did not have the right, even if he issued the *Donation*, to give parts of the Empire away and, by doing so, to destroy it. Moreover, he argues, the Church did not have the right to receive the *Donation*. Like John's, Dante's argument is in part based on the question of whether the Church has the right to own property, which Dante denies. Dante concludes, 'the usurping of a right does not establish a right. For if it did, it could be proved in the same way that the authority of the church is dependent on the emperor'.⁷⁴ In the context of his refutation, Dante introduces what he considers, in addition to God's will, to be the foundation of the Empire: *ius humanum*. Human right belongs to humans *qua* humans. It is not, as John of Paris's concept of *ius gentium* implies, a right that belongs to a people. In contrast, if the Church were to have power over worldly authority, this authority would come 'from God, or from itself, or from some emperor, or from the consent of all people or at least the most exceptional among them'. The Church, however, could only have this right if it came directly from God through divine law or indirectly through natural law. Neither of these conditions is, however, true.⁷⁵ Like John of Paris, Dante does not argue for a complete independence of the temporal from the spiritual sphere. Rather, he argues that both, though one is based on human right and the other on divine law, are subject to God:

Let Caesar therefore show that reverence towards Peter which a firstborn son should show his father, so that, illumined by the light of paternal grace, he may the

⁷³ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. III, c. 9, 1–9. Prue Shaw suggests in her critical apparatus that Dante's interpretation of Luke 22. 38 is most likely his own, primarily because commentators have not been successful in locating any other source.

⁷⁴ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. III, c. 11, 11; bk. III, c. 11, 3.

⁷⁵ 'Imperii vero fundamentum ius humanum est': Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. III, c. 10, 7; bk. III, c. 14, 2.

more effectively light up the world, over which he has been placed by Him alone who is ruler over all things spiritual and temporal.⁷⁶

Even though *Defensor pacis*'s dedication to the emperor-elect Ludwig of Bavaria would suggest a clear preference for the concept of empire, this work's position remains ambiguous. Indeed, scholars have argued for decades about whether Marsilius's treatise was written with the upper-Italian city-states or the Roman Empire in mind.⁷⁷ However, it seems appropriate to apply the words of John of Paris here: as it usually does, the truth lies somewhere in the middle. To borrow a term from Cary J. Nederman, Marsilius provides us with a 'generic theory of politics'.⁷⁸ Even though *Defensor pacis* is dedicated to Ludwig of Bavaria and needs to be read in the context of the conflict between Ludwig and Pope John XXII, Marsilius also has the upper-Italian city-states in mind. One of his aims in writing *Defensor pacis* is to provide a solution through which the Roman emperor-elect and the Italian city-states can maintain their independence from papal intervention. Marsilius's generic approach becomes immediately obvious when he defines *regnum* as 'every species of temperate regime, whether in a single city or in many'.⁷⁹

Marsilius, however, does not seem to be interested in taking up Dante's philosophical question regarding the necessity of one supreme government or the advantage of having multiple polities in different regions that are separated by place, language, morals, and customs. Although Marsilius admits in *Defensor pacis* that this question does not concern him, he reveals that, for him, the question of world government is not simply a theoretical or philosophical concern. For Marsilius, this question has practical implications, namely, the necessity of controlling human procreation. Without one supreme government, Marsilius identifies epidemics and wars as useful moderators of unhindered human procreation.

⁷⁶ Dante Alighieri, *Monarchia*, ed. and trans. by Shaw, bk. III, c. 16, 18.

⁷⁷ Sternberger, *Die Stadt und das Reich*. For a republican interpretation, see Gewirth, 'Republicanism and Absolutism'; Rubinstein, 'Marsilio da Padova'. For a more imperial interpretation, see Condren, 'Marsilius of Padua's Argument'; Quillet, *La philosophie politique*; Wilks, 'Corporation and Representation'.

⁷⁸ Nederman, *Community and Consent*, p. 9. See also Koch, *Zur Dis-/Kontinuität mittelalterlichen politischen Denkens*, pp. 179–80, n. 244.

⁷⁹ 'ad omnem regiminis temperati speciem, sive in unica [civitate] sive in pluribus civitatibus': Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. I, c. 2, 2; English translation: Marsilius of Padua, *Defensor Pacis*, trans. by Gewirth, p. 8.

Even though Marsilius explicitly states he is not concerned with the question of world government in *Defensor pacis*, this brief passage is nonetheless revealing and allows him to be positioned with respect to the theories of John of Paris and Dante. Marsilius's practical concerns imply that he, together with Dante but contrary to John, considers that a supreme government could potentially offer more peace to the civilized world, though he recognizes that one potential disadvantage to this system would be overpopulation. In Discourse I, it nonetheless becomes obvious that Marsilius does not necessarily favour a world government when he compares hereditary monarchy, which he does not favour, with the government of the universe.⁸⁰ He returns to this issue more explicitly in Discourse II, concluding that the existence of one temporal custodian for the entire world is neither expedient nor true. For humans to coexist on the earth, different provinces are sufficient.⁸¹

At first glance, it appears that Marsilius agrees with John of Paris when he claims, with Aristotle, that different peoples at different times and locations have different forms of government. However, while John, as we have seen, argued that this is so because of natural law and is therefore God's will, Marsilius sees different connotations in this claim. Although all three theorists favour rule by one, Marsilius is focused on identifying, as the other two are not, the best form of government. For him, it is less a question of the differences between peoples in terms of their customs and morals. Rather, the differences between regimes depend primarily on each polity's stage of perfection.⁸² This seems to buttress John A. Watt's opinion that the similarities between John of Paris and Marsilius are only 'superficial'.⁸³

Although Marsilius does not favour a Dante-esque world government, he is not necessarily willing to give up the idea of empire. By empire, he specifically means the Roman Empire, not world government. As Hwa-Yong Lee argues, Marsilius needs the Empire 'to secure civic peace' in the Italian city-states.⁸⁴ Marsilius's conception of the Holy Roman Empire (of the German nation) needs to be read with a stress on *Holy* because, although he considers it necessary for the Church to have one single head to maintain its unity, he also claims

⁸⁰ Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. I, c. 17, 10, p. 118.

⁸¹ Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. II, c. 18, 5, p. 379. For a more detailed discussion and a comparison with Dante, see Garnett, *Marsilius of Padua*, pp. 160–71.

⁸² Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. I, c. 9, 10, p. 46.

⁸³ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 59.

⁸⁴ Lee, *Political Representation*, p. 140.

that a single temporal ruler and judge (*universalis princeps*) would be more efficient than a single supreme bishop (*universalis episcopus*) at preserving the unity of the faithful.⁸⁵ This passage is crucial in setting forth Marsilius's understanding of the relationship between spiritual and temporal power.⁸⁶ As is already obvious, Marsilius does not give up on the idea 'that all things must be subordinated to one', either in the worldly or in the ecclesiastical sphere. Indeed, he believes that temporal power more efficiently preserves the unity of the faithful because the spiritual potentate does not possess, contrary to the Church's claim, any coercive power. He locates divine jurisdiction solely in Christ and not in Christ's representative on earth. Consequently, the papacy cannot possess any jurisdiction over the emperor or over any other temporal power. His basic argument is in keeping with John Quidort's.⁸⁷

Marsilius, however, is consistent in his claim that a single temporal authority can more effectively maintain unity over the faithful than one spiritual superior. Because priests, like laymen, can commit crimes and other misdeeds that may jeopardize the stability of the polity, he subordinates the clergy to temporal jurisdiction.⁸⁸ This philosophical move, however, does not mean that he does not value humans' second goal, eternal life, or consider it to be of less importance.⁸⁹ In essence, Marsilius's move to subordinate the clergy under temporal jurisdiction is the logical extension of John of Paris's and Dante's theories, which deny temporal power (and *dominium*) to ecclesiastical authorities. One key difference between Marsilius's theory and the other two theories is that Marsilius's theory does not stop by outlining a theoretical argument. Dante's 'call for action' is a call for philosophical engagement; Marsilius's call for action is a call to transform the political sphere. Contrary to John of Paris and Dante, Marsilius desires a truly independent temporal sphere that does not allow any papal intervention. In other words, while both Dante and John of Paris argue only for a relatively independent political sphere, Marsilius's goal is political autonomy.⁹⁰ Marsilius's goal of political autonomy becomes even more obvious

⁸⁵ Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. II, c. 27, 4, pp. 522–23; D. II, c. 28, 15, p. 546.

⁸⁶ For a more detailed analysis of Marsilius's theory of the Church, see Koch, 'Marsilius of Padua on Church and State'.

⁸⁷ Koch, *Zur Dis-/Kontinuität mittelalterlichen politischen Denkens*, p. 219.

⁸⁸ Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. II, c. 5, 5, p. 188.

⁸⁹ Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. I, c. 6, 3, pp. 30–31.

⁹⁰ Bielefeld, 'Von der päpstlichen Universalherrschaft', p. 129.

if one considers his argument on heresy. Advancing his original argument from *Defensor pacis* further in *Defensor minor*, he claims that no violation of divine law should have any consequences for a citizen's civil status.⁹¹ The intended consequence is a complete independence of worldly jurisdiction from churchly interference. Neither John of Paris nor Dante present a similar idea.

In addition to his general theory, in which he subordinates the Church to temporal power, Marsilius also addresses the key arguments that had been used by the papal court to claim plenitude of power, though these have a less significant status in Marsilius's theory.⁹² For instance, Marsilius points out that the Church's claim of *plenitudo potestatis* did not start until the time of Constantine. Marsilius argues that when Constantine granted the Roman bishop priority over the other bishops of the Church, he created a hierarchy within the Church, although some Roman bishops had previously claimed their superiority. This claim is spurious in Marsilius's eyes: the Roman bishop only has priority by election or edict of the temporal ruler.⁹³ Marsilius's main line of argumentation is primarily historical (in a medieval sense), though this does not mean that he is short of logical justifications for his position. Although Marsilius does not doubt the validity of the *Donation*, he considers it to be nonbinding for any Roman Emperor after Constantine. In addition, it shows that the Roman Emperor held this right in the first place. Consequently, the Church cannot possess the right by divine law.

Marsilius addresses Dante's second question, namely whether the Empire belongs rightfully to the Romans, in various places throughout *Defensor pacis* and in a small treatise entitled *De translatione Imperii*, most likely composed soon after the completion of *Defensor pacis*, c. 1324–26.⁹⁴ Unlike Dante, Marsilius does not express nostalgic views of the Roman Empire. Consequently, his discussion is not limited, like Dante's, to whether the Empire belongs rightfully to the Romans. Instead, Marsilius's concerns include the Empire's transfer to the Franks and the Germans.⁹⁵ In his investigation, Marsilius also touches on

⁹¹ Koch, 'Marsilius of Padua on Church and State', p. 165.

⁹² Here, I wholeheartedly disagree with Garnett, *Marsilius of Padua*.

⁹³ Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. II, c. 16, 9, pp. 344–45; D. II, c. 12, 19, p. 272. For a more detailed discussion, see Garnett, *Marsilius of Padua*, pp. 106–16.

⁹⁴ For an edition of the Latin text, see Marsilius of Padua, *De translatione Imperii*, ed. by Jeudy and Quillet. For an English translation, see Marsilius of Padua, 'Defensor minor' and 'De translatione Imperii', trans. by Nederman, pp. 65–82.

⁹⁵ Marsilius of Padua, *De translatione Imperii*, ed. by Jeudy and Quillet, c. 1, p. 374.

an issue that was stressed by John of Paris, namely, the oppressive nature of the Roman Empire. For instance, Marsilius maintains that the Persians revolted and split from the empire because of Heraclius's tyrannical government. Likewise, the Greeks split because they refused to obey the Roman Church and chose to adopt their own religion. Marsilius again supports the transfer of the Empire from the Franks to the Germans using a historical argument.⁹⁶ Finally, the Germans received the Empire by hereditary right. Marsilius, however, makes it clear that, although Charlemagne was the 'elector of the Roman Pontiff', the power of German emperors is established through election by the German princes, or Seven Electors. For this reason, he regards the emperor's coronation by the Roman bishop to be ceremonial rather than necessary.⁹⁷ Marsilius's comment on the coronation, of course, refers to Ludwig of Bavaria, who was elected, but not crowned. For Marsilius, Ludwig is nonetheless acting in his full right as Roman Emperor.

* * *

To answer the question with which this paper began, was it necessary, as Arthur P. Monahan suggests, for John Quidort to abolish the doctrine that all things must be subordinated to one to reject successfully the papal claim of supremacy over the temporal sphere?⁹⁸ Moreover, did he have to, as a consequence, give up the notion of empire by stressing the territorial political realm's foundation in *ius gentium* and natural law? The plain answer is 'no'. First, John eludes this issue with his argument that the relationship between the Roman emperor and the papacy does not concern his investigation because, at least at the time of the *Donation of Constantine*, France was not part of the Empire. Second, as we have seen, he does not give up the dichotomy between the emperor and the papacy, though he wants to see them acting in mutual support, with each of them taking the primary responsibility for one sphere, which is an idea he shares with Dante. One consequence of the idea of mutual support is, as is evident from John's discussion of extreme emergencies, that his theory does not establish a truly independent political sphere. Instead, there is always room for papal interference, though he grants the same right to the secular ruler. Dante's enterprise is

⁹⁶ Marsilius of Padua, *De translatione Imperii*, ed. by Jeudy and Quillet, c. 3, p. 386; c. 5–8, pp. 394–412.

⁹⁷ Marsilius of Padua, *De translatione Imperii*, ed. by Jeudy and Quillet, c. 12, pp. 430–32.

⁹⁸ Monahan, 'Introduction' to John Quidort of Paris, *On Royal and Papal Power*, trans. by Monahan, p. xxvi.

in essence the same as John's. However, Dante focuses on the necessity of world government, a claim that both John of Paris and Marsilius of Padua reject. It is necessary to remember, however, that John's empire is the same as Marsilius's, namely, the Holy Roman Empire plus the historic *Imperium Romanum*, not a philosophical empire of world government, though Dante's assessment of the Roman Empire implies that he identifies it as the legitimate universal government. It is appropriate to claim that neither John nor Dante have thought the problem of supremacy entirely through. As Marsilius of Padua's theory demonstrates, it is possible to argue for a truly independent political sphere without having to give up the concept of empire. Indeed, Marsilius shows that the idea of the Holy Roman Empire can be used in support of this argument.

Each of the three theorists' preferences corresponds to the historic circumstances to which their writings were responding. Consequently, John's preference for the territorial temporal realm must be read and interpreted in this context. In other words, John presents his reader with a contextual preference, not with an absolute one. This fact also explains why his refutation of, or rather the disadvantages he sees in, the concept of empire are not entirely conclusive. In one sense, however, he is ahead of Dante and Marsilius: his theory foreshadows the emergence of the territorial nation-state.

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Part 2

Dominican and Theologian

HISTORICAL UNDERSTANDING AND THE NATURE OF TEMPORAL POWER IN THE THOUGHT OF JOHN OF PARIS

Chris Jones*

For most historians and political theorists John Quidort of Paris's primary importance lies in the fact that he was the first writer in the medieval West to put forward a reasoned justification for a world that consisted of a multiplicity of self-governing, independent political units.¹ Late medieval thought tended to divide the world, in theory at least, into two ultimate authorities: the pope, the pinnacle of spiritual affairs, and the emperor, supreme in temporal matters. For some of the more extreme exponents of papal author-

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¹ For an influential example of such an assessment, see Ullmann, *A History of Political Thought*, pp. 200–04. Another area of John's thought to attract significant attention is his attitude towards consent. For a nuanced approach that focuses on the new emphasis John appears to have placed on the importance of popular consent in the governance of both the Church and kingdoms, see Heiman, 'John of Paris'. Renna argues, on the other hand, that John preferred a model of temporal rule that actually freed the ruler from any form of restraint: Renna, 'The *populus* in John of Paris' Theory'. Renna's argument is comprehensively refuted in Blythe, *Ideal Government*, pp. 139–57.

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ity amongst John's contemporaries, such as Giles of Rome, power was even more narrowly concentrated: even temporal authority was, if it were to be exercised legitimately, ultimately subordinate to the pope.² Prompted by a series of disputes between the French king and the papacy in the opening years of the fourteenth century, John's tract *De potestate regia et papali* employed Aristotle's *Politics* to formulate an argument that denied the papacy a right to intervene directly in the temporal affairs of secular rulers.³ In so doing, John tore up the traditional medieval *Weltbild*, replacing it with something that, from a modern perspective, is much more familiar: a montage of fragmented, independent polities.⁴

On the other hand, there are apparent inconsistencies in John's treatment of temporal power that would undermine any attempt to read his tract as a charter justifying the 'sovereign' independence of nation-states. John chose, for example, not to disentangle the secular from the ecclesiastical entirely: popes retain a right to intervene in temporal affairs in certain circumstances, just as kings and emperors retain a right to interfere in spiritual matters.⁵ Most strikingly, in a tract that argued against the need for a universal temporal ruler, the idea that the medieval emperor enjoyed some form of temporal authority superior to that of other rulers lingered on in John's thought.

The broad aim of this article is to explore some of the overlooked foundations upon which John constructed his argument in *De potestate*, notably his use of historical material and his understanding of post-biblical history. It will examine what these can tell us about John's view of the nature of temporal power and, in so doing, explain some of the apparent inconsistencies in his thought. It will also highlight the way in which the second dispute between the French king Philip IV the Fair (r. 1285–1314) and Pope Boniface VIII (d. 1303), in particular, led John to approach his historical sources with a highly selective and exceptionally critical eye.⁶ He adopted this approach in order to ensure that 'history'

² For Giles's position, see Dyson, *Normative Theories of Society*, pp. 141–85.

³ For an overview of the tract's arguments, see Lambertini, 'John of Paris', p. 632; Canning, *Ideas of Power*, pp. 50–59.

⁴ As Michael Wilks notes, John's 'denial of the universal nature of the Roman empire has a devastating effect upon the medieval world order': Wilks, *The Problem of Sovereignty*, p. 432.

⁵ As Joseph Canning put it, 'Through accepting that both temporal and spiritual jurisdiction co-existed at the public level, [John's] thought contained the fuzzy edges of an incomplete demarcation between the two, a reflection of the situation of the time at which he wrote': Canning, *Ideas of Power*, p. 56.

⁶ For an outline of this second dispute, which concerned royal rights over the Church, see

could be shown to support a case favourable to the French king. The importance of historical examples to John's argument and the broader framework that shaped his view of history is particularly clear when *De potestate* addresses the thorny problem of the relationship between France and the medieval empire. John wished to demonstrate that France and its king were independent of the authority of the emperor as part of a broader argument aimed at negating papal claims to temporal authority. Carefully selected historical examples played an important role in making and supporting his case for French independence; yet John's broader understanding of how history had — and would — unfold made it difficult for him to dismiss entirely the idea that a properly ordered Christian society required some form of universal temporal authority.

De potestate regia et papali certainly offers a robust argument that the Roman Empire, or indeed world monarchy of any sort when it came to temporal matters, is ill-suited to meeting man's needs. John notes that there exists no divine command that men should be subject to one supreme ruler in temporal matters. Grounding his arguments in Aristotelian logic, he suggests that the diversity of men, their languages, and the climates in which they lived recommended in favour of independent, local rule.⁷ As a consequence, John is often viewed today as the culmination of a trend that had been begun by canonists and that was developed by jurists throughout the thirteenth century.⁸ His defence of independent royal authority has been an important factor in forming the 'general consensus' of historians, as summarized by Antony Black, that, by 1300, 'internationalism was on the decline, and membership of a national or a local unit was what increasingly counted'.⁹ And yet for all the vigour with which *De potestate* attacks the idea of universal temporal rule, particularly in its third chapter, the tract seems peculiarly inconsistent in its treatment of the western emperor and his responsibilities.

There are numerous passages in *De potestate* that make clear that the western emperor is more than simply one local ruler amongst many. He is, for example,

Boase, *Boniface VIII*, pp. 297–351; Strayer, *The Reign of Philip the Fair*, pp. 260–79; Favier, *Philippe Le Bel*, pp. 318–28, 343–93; Paravicini Bagliani, *Boniface VIII*, pp. 299–325.

⁷ *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, p. 83). The text is cited following Bleienstein, unless otherwise indicated. For a summary of John's arguments against universal temporal rule, see Tursi, 'El antiimperialismo', particularly pp. 34–39 for the arguments in *De potestate*, c. 3.

⁸ For a recent example, see Chazan, *L'Empire et l'histoire*, pp. 654–58.

⁹ Black, *Political Thought in Europe*, p. 87.

created somewhat differently to most rulers: John informs his reader that the position is not a hereditary one, and on no less than three occasions, he makes clear that emperors are created by the 'army', sometimes acting with the 'people'. John does not make clear the exact role of the 'people' in the creation of an emperor, or even precisely who the 'people' are. The basis for imperial authority is, however, clearly different from that of royal authority.¹⁰ More fundamentally, with respect to temporal matters, kings, John tells us, have authority over their kingdoms, yet emperors have authority over the whole world.¹¹ What is to be made of these statements?

John's apparent inconsistency is all the more surprising when it is set alongside the views of another 'John of Paris', John of Saint-Victor. Like John Quidort, John of Saint-Victor was a member of the Theology Faculty of the University of Paris in the first decade of the fourteenth century.¹² John of Saint-Victor seems, however, to have found it much easier than his Dominican colleague to reduce the Roman Empire and its emperor to the level of one state and one ruler amongst many. The Victorine's views were expressed in his *Tractatus de divisione regnorum* (c. 1307 – May 1308), a work written to preface his universal chronicle, the *Memoriale historiarum*.¹³ Echoing a well-established idea, John of Saint-Victor argued that the Roman Empire had once served a specific function: it brought about universal peace at the time of Christ. Once that purpose was served, however, the Roman Empire was reduced to the status of

¹⁰ 'Nam exercitus facit imperatorem': *De potestate*, c. 10 (Leclercq, p. 198; Bleienstein, p. 111); 'praecipue quia imperio non succedunt ut heredes, sed ab exercitu et populo rite eliguntur': *ibid.*, c. 19 (Leclercq, p. 235; Bleienstein, p. 172); 'populo seu exercitu faciente': *ibid.*, c. 19 (Leclercq, p. 235; Bleienstein, p. 173). Cf. 'nam populus facit regem et exercitus imperatorem': *ibid.*, c. 15 (Leclercq, p. 222; Bleienstein, p. 151). John's view that the army created the emperor was ultimately rooted in historical practice and Roman law, although he was probably drawing on the *Decretum* when he made this point: Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 95, n. 1.

¹¹ 'rex est in hoc caput regni, et imperator monarcha si fuerit est caput mundi': *De potestate*, c. 18 (Leclercq, p. 230; Bleienstein, p. 165). See also 'Et hoc quidem potest uterque in alterum, nam uterque papa et imperator universalem et ubique habet iurisdictionem, licet iste spiritualem et ille temporalem': *ibid.*, c. 13 (Leclercq, p. 214; Bleienstein, p. 138).

¹² For John of Saint-Victor's connection with the university, see Chazan, *L'Empire et l'histoire*, pp. 388–89; Guyot-Bachy, *Le 'Memoriale historiarum'*, pp. 100–11.

¹³ For John's view of the Empire and its ruler in these works, see Jones, *Eclipse of Empire?*, pp. 248–55.

any other kingdom.¹⁴ Indeed, as far as John of Saint-Victor was concerned, the Empire had actually ceased to exist altogether by the early fourteenth century.¹⁵

It is sometimes assumed that John of Saint-Victor's view of the Empire and its ruler must have been inspired by John Quidort's tract.¹⁶ This assessment seems questionable. Not only is there no evidence to suggest that John of Saint-Victor read *De potestate regia et papali*, but the Victorine did not adopt one of the basic tenets of his contemporary's Aristotelianism, that the exercise of temporal authority was natural and could lead men to live virtuously. Most notably, the Victorine would appear to have come to a much less nuanced conclusion regarding the role of a universal emperor than his Dominican namesake. And yet historians have not considered John Quidort's approach to imperial authority to be an issue of particular importance. Indeed, the question of whether the author of *De potestate* drew a distinction between the terms 'king' and 'emperor' is one that most historians and political theorists believe can be safely ignored. The majority of those who have analysed *De potestate*'s arguments tend to assume that by 'emperor' or 'prince' John means *any* independent ruler.¹⁷ John was, it is implied, simply echoing the terminology of canon and Roman law, both of which tended to speak in terms of the 'emperor'. And yet if one Parisian theologian in the first decade of the fourteenth century was able to dismiss the Empire and its ruler with such apparent ease in the preface to a universal history, we are left to wonder why another seems to have been less willing to address the issue with equal clarity in a tract that considered the nature of temporal power.

This article proposes that *De potestate*'s depiction of a unique imperial role was not a simple inconsistency.¹⁸ John Quidort's portrait of the role of the western emperor was, it will be argued, the product of an attempt to reconcile a

¹⁴ Chazan, *L'Empire et l'histoire*, p. 694.

¹⁵ *Tractatus de divisione regnorum* (II), John of Saint-Victor, *Traité de la division*, ed. and trans. by Guyot-Bachy and Poiré, p. 144.

¹⁶ For an example, see Guyot-Bachy, *Le 'Memoriale historiarum'*, p. 411. For an alternative perspective, see Jones, *Eclipse of Empire?*, pp. 251–53.

¹⁷ Canning's remark that John appears to refer 'somewhat indiscriminately' to kings, princes, and emperors draws unusual attention to the issue, as do his comments that the apparent 'vagueness' of John's terminology complicates his argument: Canning, *A History of Medieval Political Thought*, p. 147. More commonly, it is simply assumed that no distinction need be drawn; see, for example, Watt's analysis of John's view of the role of the 'ruler' in papal deposition: Watt, 'Spiritual and Temporal Powers', p. 410. Also Black, *Political Thought in Europe*, pp. 53–54.

¹⁸ Compare with Canning, *Ideas of Power*, p. 58.

specific understanding of Christian history with an Aristotelian-derived argument in favour of a world of independent polities. John's view of post-biblical history and his use of historical examples were, it will be suggested, more complex than has been assumed generally. Both were, in particular, strongly marked by John's membership of the Dominican order, although this was not the sole factor that shaped his approach. The article will first establish the way in which John used historical material in developing the arguments that appear in *De potestate*. It will then consider the extent to which John's conception of history relied upon Dominican sources and interpretations. Finally, it will consider the way in which John's understanding of the structure and ultimate ends of human history helped to shape his view of the organization of temporal power in a properly ordered Christian society.

The Sources of History in De potestate regia et papali

It was not unusual to draw on historical justifications when seeking to formulate arguments in the late thirteenth and early fourteenth centuries. Across the Channel in neighbouring England, it was, for example, primarily to chronicles that King Edward I (r. 1272–1307) had turned in 1291 when seeking to prove his overlordship of Scotland. Edward turned again to chronicles a decade later when responding to papal efforts to intervene in Anglo-Scottish affairs.¹⁹ In 1312, Edward's neighbour, Philip IV, was to draw on history, albeit a somewhat peculiar version that implied the French kingdom had existed at the time of Christ, when attempting to rebut Emperor Henry VII's claims over the city of Lyon.²⁰ Yet the role played by history in *De potestate regia et papali* has been the subject of surprisingly little comment. This stands in contrast to increasing scholarly interest in the view of history and use of historical examples by John's near contemporary, Marsilius of Padua.²¹ It is all the more notable when, as Jean Leclercq, the tract's first editor, highlighted, John Quidort appealed to history rather more often than many contemporary writers of 'political' tracts.²²

¹⁹ Given-Wilson, *Chronicles*, pp. 65–69.

²⁰ Schwalm, *Constitutiones et acta publica imperatorum et regum*, no. 811, p. 813 (July/August 1312). For the imperial encyclical that provoked this response, see *ibid.*, no. 801, pp. 801–04 (29 June 1312, Rome).

²¹ See Garnett, *Marsilius of Padua*. For Marsilius's *De translatione Imperii* in particular, see Briguglia, 'The Minor Marsilius', pp. 268–87.

²² Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 52.

Exactly where John found some of his historical examples remains unclear. One such case occurs in Chapter 5 where John appears to be drawing on Caesar's *De bello Gallico*. Did John actually read Caesar, or does the fact that he employs one isolated reference to this work — as part of a comment on the manner in which pagan priests gave definition to Gallic life — imply his information was second-hand and mediated to him through some unknown compilation?²³ John's position as a master at the University of Paris certainly gave him access to a considerable range of texts; yet whether or not he had this specific work of Caesar's before him remains unclear. It is possible, for example, that John had read the popular *Faits des Romains*, whose anonymous thirteenth-century author followed Caesar's own account closely when it came to recounting the Gallic wars.²⁴ John's sermons certainly suggest that he was not averse to drawing on such vernacular sources.²⁵ Fortunately, more can be said with certainty concerning many of the arguments founded on or incorporating historical examples in *De potestate*.

The most substantial remarks to date concerning John's use of historical material were published in 1942 by Jean Leclercq as a short contribution to a wider discussion of John's sources.²⁶ The essence of Leclercq's argument is that for matters of non-biblical history John is largely dependent on one key source, the compiler Vincent of Beauvais (d. 1264).²⁷ It is likely, for example, that John's assessment of the Gauls in Chapter 21 of *De potestate*, where he notes that they refused to submit to the Romans, remained in a state of semi-permanent revolt against them, and sometimes even overcame them, is illustrative of a tendency to draw on Vincent rather than indicative of a considered and in-depth reading of Caesar.²⁸ *De potestate*'s second editor, Fritz Bleienstein, and both its English translators, John A. Watt and Arthur P. Monahan, largely follow Leclercq in his

²³ *De potestate*, c. 5 (Leclercq, p. 185; Bleienstein, p. 90).

²⁴ Guenée, 'La culture historique des nobles', p. 267. On the availability of the Latin text and the important influence of the translation, see Beaune, *Naissance de la nation France*, p. 31.

²⁵ Kaeppli, 'Praedicator Monoculus', p. 155.

²⁶ Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 52–57.

²⁷ Besides Vincent, Leclercq concludes, 'de source directe, il ne semble avoir utilisé que le *Liber pontificalis*, probablement dans un de ces exemplaires glosés et agrémentés de légendes qui furent si répandus au bas Moyen Âge': Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 52.

²⁸ *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 191). Cf. Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. vi, c. 2–5, pp. 173–75.

assessment of John's source material. It is a view that is echoed uncritically by modern scholars.²⁹

Leclercq was, without doubt, correct in his assessment that John consulted Vincent for much of his material. John never mentions Vincent and his great historical compilation, the *Speculum historiale*, by name. In referencing and citing excerpts from chroniclers as diverse as Sigebert of Gembloux and Gervais of Tilbury, however, John frequently employs not only the same names for their works as Vincent does but lists his material in the same order as it is cited in the *Speculum historiale*. John's tendency to cite Vincent's own authorial comments, albeit anonymously, adds considerable weight to the argument.³⁰ Yet the conclusions Leclercq drew concerning John's use of Vincent and the lack of subsequent exploration of John's use of history leave a number of significant questions unanswered. The way in which Vincent's *Speculum historiale* was employed in writing *De potestate* is, as will be shown below, doubtless less straightforward than Leclercq assumed.

To term Vincent of Beauvais a 'chronicler' has the potential to be slightly misleading. Vincent's *Speculum historiale* certainly contains many passages penned by Vincent himself. Its key characteristic, however, is that it is a work of compilation. Indeed, it is one single strand in a much more ambitious project, the *Speculum maius*, in which Vincent sought to offer his readers no less than the sum of human knowledge distilled from the works of his predecessors and assembled into a few undoubtedly unwieldy but nevertheless useful volumes. Vincent's chosen approach to history, which involved setting the accounts of reputable authorities — despite their contradictions — alongside each other has often led to accusations by modern historians that he lacked originality. It is worth keeping in mind, though, as Bernard Guenée has reminded us, that the simple process of selection employed by a compiler can tell us a good deal about his outlook: Vincent, like many of his contemporaries, was creative in the act of compilation, if not in his prose.³¹ In recent decades a great deal of research has been undertaken on Vincent's *Speculum historiale*.³² His use as a source by later generations of compilers of history has not been neglected in this process,

²⁹ For one recent example, see Chazan, *L'Empire et l'histoire*, p. 491.

³⁰ Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 52.

³¹ Guenée, 'L'historien et la compilation', p. 126.

³² See, most notably, the essays collected in Lusignan, Paulmier-Foucart, and Nadeau, *Vincent de Beauvais* and Lusignan, Paulmier-Foucart, and Duchenne, *Lector et compiler*. See also Paulmier-Foucart and Duchenne, *Vincent de Beauvais*.

but his use as a source by those whose primary purpose was not the writing of history remains to be explored fully.³³ What then can John of Paris's use of the *Speculum historiale* tell us?

The first question worth considering is why John of Paris chose to make use of Vincent of Beauvais at all. In early fourteenth-century France the *Speculum historiale* was far from the only compilation available, although it was undoubtedly the most detailed that John could have turned to. The most recently completed work of historical compilation at the time John wrote was, however, the universal chronicle of the Benedictine William of Nangis (d. c. 1300). This work, completed at the royal abbey of Saint-Denis in the late 1290s, was the up-to-date compilation of choice for many Parisian writers in the early fourteenth century. This was true even of those who also drew on the *Speculum historiale*, such as John of Saint-Victor.³⁴ Vincent's account ended in the mid-thirteenth century; William's extended over a further fifty years. Was John simply opting for Vincent's level of detail over William's crisp, clear, and rather simpler organization? This factor may have played a part in his decision. In choosing Vincent, John was also, however, displaying a clear preference for the work of his own order: Vincent had been a Dominican; indeed, he had been a member of John's own Parisian convent, Saint-Jacques. Taken in isolation, this might be considered a simple coincidence. As will be seen, however, John displayed a striking preference for historical material produced or favoured by his own order.

The popularity of Vincent's *Speculum historiale*, which reached its height around 1320,³⁵ poses certain problems for anyone wishing to assess John of Paris's use of it. There are over three hundred extant manuscripts, a number which, in combination with the work's tremendous length, has discouraged modern editorial projects and fostered a reliance on the version produced in 1624 by the Benedictines of Saint-Vaast of Arras. The aim of most modern editors is to produce a version of a text that approximates to the autograph. While understandable, this approach poses an inherent problem for those seeking to assess the way in which a text was received: an editor's final product rarely represents the version any particular reader had before them in the Middle Ages.³⁶ Such problems are compounded in this case by the fact that the community

³³ John is not, for example, included in Richard K. Weber's overview of the influence of Vincent's *Speculum historiale* on later writers: Weber, 'Vincent of Beauvais,' pp. 23–29.

³⁴ Chazan, *L'Empire et l'histoire*, p. 393.

³⁵ Duchenne, Guzman, and Voorbij, 'Une liste des manuscrits du *Speculum historiale*,' p. 288.

³⁶ For further discussion, see Jones, *Eclipse of Empire?*, pp. 21–23.

of Saint-Vaast also lacked modern editorial techniques. A dependence on the 1624 edition tends to obscure the significant distinction between Vincent's first recension (terminating in 1244) and his second (terminating in 1250) quite aside from obliterating variations that may have existed in individual manuscripts. These important caveats, and the fact that there are no indications as to which manuscript(s) John Quidort had before him, need to be kept in mind. Just as important, however, is a problem of chronology that ensnared Jean Leclercq when he came to assess precisely what it was that John had employed when writing *De potestate*. It is a problem recognized by neither Bleienstein nor the work's two English translators.

In the course of Chapter 14 of *De potestate* John discusses the deposition of the Merovingian ruler Childeric III in the eighth century. He ends his account with the following statement: 'Unde sic habet *Chronica Martini*'.³⁷ There is no doubt as to whose chronicle John is indicating here: this is the work of Martin of Troppau (d. 1278).³⁸ Martin was another of John's fellow Dominicans and the author of a widely disseminated chronicle of popes and emperors.³⁹ Martin's work was distinctive in its manuscript tradition for its presentation of history as, effectively, two parallel chronicles. The left pages of manuscripts of the work tend to contain the history of popes, while the right pages contain that of emperors. It is a simple, clear structure and undoubtedly accounts for the extraordinary popularity of Martin's account.⁴⁰ Leclercq recognized that John had made use of Martin but argued that where he had done so it was via Vincent. At this particular point in his edition of Chapter 14 Leclercq's apparatus provides a reference to page 953 of the 1624 edition of the *Speculum historiale*, a reference refined by Bleienstein as Book XXIII, Chapter 154.⁴¹ Leclercq

³⁷ *De potestate*, c. 14 (Leclercq, p. 219; Bleienstein, p. 146).

³⁸ John's particular reference in Chapter 14 is to Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 460.

³⁹ Concerning Martin's life and his chronicle, see Grodziska, 'Martin le Polonais'; Von den Brincken, 'Zur Herkunft und Gestalt'; Von den Brincken, 'Studien zur Überlieferung'; Von den Brincken, 'Martin von Troppau', pp. 155–93.

⁴⁰ There are over four hundred extant manuscripts: Ikas, 'Martinus Polonus' Chronicle of the Popes and Emperors, p. 331. In practice it was not always possible for those who copied the chronicle to maintain Martin's carefully considered structure. For an example of where this was attempted but did not quite go according to plan, see Sens, Bib. mun., MS 61. I am grateful to M^{me} Michèle Degrave and her staff for facilitating my access to this manuscript.

⁴¹ Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 52, 219, n. 2. For Bleienstein's reference, which appears in his German translation, see John Quidort of Paris, *Über königliche*

did not devote any further discussion to Martin. The index of Bleienstein's edition does not even include Martin's name; nor is he mentioned by either of the two English translators. Contrary to Leclercq's view, Vincent could not, however, have employed Martin of Troppau's chronicle: Vincent had died four years before the first recension of Martin's work appeared.⁴²

The idea that John had direct recourse to the work of Martin of Troppau is reinforced by a number of factors. As Leclercq has made clear, John could be extremely accurate in echoing Vincent's source references. In Chapter 15, for example, John tells us that his facts are extracted from the book *De cosmographia*, the fifth book of Hugh of Fleury's *Chronicles*, and Sigebert's *Chronicles*.⁴³ These are exactly the references Vincent uses in Books XIII and XXIII of the *Speculum historiale* for the material relating to Constantine and Charlemagne that John chose to employ at this point in his argument.⁴⁴ It is immediately striking, then, that on certain occasions John's references are quite different from those given by Vincent. For example, rather than inform the reader, as Vincent does, that his account of the deposition of several would-be popes by Emperor Henry III (r. 1039–56) is taken from Sigebert's chronicle, John refers to his source in Chapter 13 as a 'Chronicle of the Romans'.⁴⁵ He does so again when considering the same incident in Chapter 22.⁴⁶ Was John simply less careful in referencing this particular incident? While this is possible, it seems more likely that he is referring to Martin's chronicle of the Roman pontiffs. Indeed on another occasion when mentioning one of the deposed popes John cites his source rather more explicitly: 'Sic enim legitur in *Chronicis Romanorum Pontificum*'.⁴⁷

und päpstliche Gewalt, ed. with a German trans. by Bleienstein, p. 154.

⁴² That John is referring to Martin's chronicle directly and not to Vincent's at this point was first noted by Miethke, 'Review: Fritz Bleienstein, *Johannes Quidort von Paris*', p. 801. I am grateful to Karl Ubl who drew this review to my attention. John's reference is not, however, to the part of Martin's chronicle that Miethke indicates. The use of Martin is noted without elaboration in the recent Italian translation of *De potestate*: John Quidort of Paris, *Il potere del re e il potere del papa*, trans. by Briguglia, p. 140, n. 272.

⁴³ *De potestate*, c. 15 (Leclercq, p. 222; Bleienstein, p. 151).

⁴⁴ Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. XIII, c. 57, pp. 524–25 for the references to Hugh and *De Cosmographia*, and bk. XXIII, c. 176, p. 961 for Sigebert. Only the latter reference is noted by the editors: Leclercq, p. 222; Bleienstein, p. 294.

⁴⁵ *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 139).

⁴⁶ *De potestate*, c. 22 (Leclercq, p. 251; Bleienstein, p. 196).

⁴⁷ *De potestate*, c. 22 (Leclercq, p. 248; Bleienstein, p. 193).

Certainly both Vincent and Martin recount these incidents in similar terms. This is doubtless because Martin was himself drawing on Vincent.⁴⁸ If more compelling evidence were needed for John's preference for Martin in this particular case, however, then the fact that John, in common with Martin, names one of the papal candidates in contention as Benedict IX would seem to settle the matter. Vincent discretely passes over this detail in silence.⁴⁹ Similarly, John's discussion of the deposition and blinding of the eighth-century antipope Constantinus II provides a further example that seems much closer to Martin's account than it does to that of Vincent.⁵⁰

John's reliance on Martin of Troppau is further suggested by his discussion of the possibility that it might be necessary to remove a pope because, as John noted had happened in the past, they might suffer from some personal defect. Such 'defects' might include being a woman or a heretic. For such reasons the names of these people do not, John informs us, appear in the catalogue of popes.⁵¹ That the pope might be a woman is instantly reminiscent of the 'Pope Joan' legend. Although this had been circulating in various forms since 1250, Vincent had ignored it while Martin played a particularly important role in its popularization. For Martin, as Alain Boureau has noted, even if Joan's election had been carried out properly, her reign was invalidated by a personal 'defect', the fact she was a woman.⁵² Martin even concludes his account of the scandalous

⁴⁸ That Martin employed Vincent is confirmed by his modern editor: Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 392.

⁴⁹ Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 433. Cf. Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xxv, c. 27, p. 1011.

⁵⁰ 'Sic enim legimus in *Chronicis* quod Constantinus secundus, propter ambitionem papatus, cum fecisset multa ecclesiae scandala, per principes est depositus et zelo fidelium est oculis privatus': *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 140). Cf. 'Sigebertus in *chronicis*. [...] Constantino pro pseudo Papa per zelum fidelium ab ecclesia deturbato, oculisque privato Stephanus Romane ecclesiae 92. praesidet': Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xxiii, c. 167, p. 958; 'Constantinus II [...] Hic ex laico subito factus presbiter tyrannica ambicione papatus invasor, magno fuit scandalo ecclesie Dei, sed zelo fidelium ab ecclesia deturbatus oculis privatur': Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 426. This is, again, a case where John's failure to mention Sigebert, Vincent's source, tends to support an argument that he drew on Martin.

⁵¹ *De potestate*, c. 22 (Leclercq, p. 248; Bleienstein, p. 192).

⁵² Boureau, *La papesse Jeanne*, pp. 16, 142. The earliest written account of the legend (c. 1255) was the work of John of Mailly (d. c. 1254–60), a Dominican at the Metz convent. Concerning the role of the Dominican order in the legend's early circulation, see *ibid.*, pp. 119–24.

affair by noting that Joan was not inscribed in the catalogue of popes because her sex precluded her from occupying the office: 'Nec ponitur in cathalogo sanctorum pontificum propter mulieris sexus quantum ad hoc deformitatem'.⁵³

None of the above, of course, suggests that John Quidort always chose to turn to Martin's account rather than that of Vincent. In fact, there are instances where Vincent's and Martin's accounts are so similar that it is not possible to determine with certainty which informed *De potestate*. One of the clearest examples is John's comments concerning the privilege the early seventh-century pope Boniface IV secured from Emperor Phocas (r. 602–10) recognizing Rome's primacy.⁵⁴ John also makes reference to considerable material found in the *Speculum historiale* that Martin of Troppau, in his relatively short and extremely focused chronicle, does not include. *De potestate* incorporates, for example, comments concerning the world's first kingdom, that of the Assyrians, the making of the idol Bel, and the naming of the idols of other provinces. These are topics that Martin does not deal with. Here John certainly can be seen to be summarizing Vincent.⁵⁵ Again, in Chapter 4 John would have found the information he needed to expand upon a reading taken from Saint Augustine's *De civitate Dei* in Vincent's encyclopaedic history. In this particular example John would have found much of his information in Augustine's own work, including the very precise statement — absent from Vincent — that Abraham's birth occurred 1200 years before the foundation of Rome.⁵⁶ Yet while John generally follows the Bishop of Hippo's version closely, the detail that the first king of the Sicyonii was Egyachus and that his first son was Europsos is not to be found in *De civitate Dei*. The most likely source would appear to be Vincent.⁵⁷

⁵³ Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 428.

⁵⁴ *De potestate*, c. 14 (Leclercq, p. 219; Bleienstein, p. 146). Cf. Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xxii, c. 107, p. 896; Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 422.

⁵⁵ *De potestate*, c. 4 (Leclercq, p. 183; Bleienstein, p. 87). Cf. Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. i, c. 102, p. 37. The similarity is not noted by either editor.

⁵⁶ *De potestate*, c. 4 (Leclercq, p. 182; Bleienstein, pp. 84–85). Cf. Augustine of Hippo, *De civitate Dei*, ed. by Dombart and Kalb, II, bk. xvi, c. 17, p. 522.

⁵⁷ 'cuius primus rex fuit Aegyaleus cuius filius fuit Europs': *De potestate*, c. 4 (Leclercq, p. 182; Bleienstein, p. 85). Cf. 'primo Aegyaleo usque ad ultimum Zeuxippum, hoc modo Aegyaleus regnavit annis 52. Europs, 45': Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. i, c. 99, p. 36. Use of Vincent does not, however, account for all the anomalies connected with this passage in *De potestate*: John inexplicably contradicts

The *Speculum historiale* played a key role in the composition of *De potestate*. Yet John of Paris undoubtedly also turned to the work of Martin of Troppau for many of his historical examples, and the importance of the latter in the development of *De potestate* has not, to date, been recognized sufficiently. In common with Vincent's chronicle, certain caveats need to be taken into account when considering John's use of Martin's work. The latter's chronicle of popes and emperors exists, for example, in at least three recensions. John's comments relating to female popes strongly suggest that he had access to the last of these (terminating in 1277), the only version to contain the legend of Pope Joan. That John used this latter is made more probable by the fact that the third recension was the most popular version of Martin's text.⁵⁸ It would be reasonable to ask, though, whether the question of precisely which historical compilation John drew his facts from really matters very much. What, if anything, can answering what might at first appear a rather pedantic question do to help better understand the way in which John constructed his arguments, and his view of the nature of temporal power in particular?

John's use of Vincent's and Martin's chronicles, and the way in which he chose to employ each, is significant for two reasons. Firstly, neither Vincent nor Martin produced works that can be considered to represent a 'neutral' perspective. Vincent, for example, was an author who became closely associated with the French king Louis IX (d. 1270).⁵⁹ He remained so in popular thought in the first half of the fourteenth century.⁶⁰ The more widely disseminated recension of the *Speculum historiale* was even revised at royal request to reflect a vision of history that enhanced the standing of the Capetian dynasty.⁶¹ Martin of Troppau, on the other hand, became very closely associated with the papal court. Living in Rome from 1243, Martin became a papal penitentiary by 1261,

Augustine by placing the kingdom of Sicyonia in Africa and gives a different number of years for the reign of Ninus, son of Belus, first king of Assyria (66) to the figure given by both Augustine and Vincent (52).

⁵⁸ Ikas, 'Martinus Polonus' Chronicle of the Popes and Emperors', p. 330. A new edition is being prepared by Anna-Dorothee von den Brincken.

⁵⁹ Jones, *Eclipse of Empire?*, pp. 38–39. For more detailed discussion, see Paulmier-Foucart and Lusignan, 'Vincent de Beauvais', pp. 100, 115, 117, 120; Paulmier-Foucart, 'Les protecteurs séculiers', pp. 215–16; Paulmier-Foucart and Duchenne, *Vincent de Beauvais*, pp. 17–20.

⁶⁰ A manuscript of the French translation of the *Speculum historiale* produced in 1333, for example, depicted Louis IX as commanding the work on its first folio: Delisle, 'Exemplaires royaux', p. 89; Paulmier-Foucart and Lusignan, 'Vincent de Beauvais', p. 122.

⁶¹ Duchenne, 'Autour de 1254'; Brown, 'Vincent de Beauvais', pp. 172–83.

later a papal chaplain, and was finally promoted to the archbishopric of Gnesen by Pope Nicholas III.⁶² The basic two-power division of his chronicle, with its focus upon the interaction of emperors with the popes, reflected a mid-thirteenth-century vision of the world that would have been received favourably at the papal curia.⁶³ There is certainly no place in Martin's vision of history for independent kingdoms. Vincent and Martin, in other words, represented two very different ways of formulating world history. The former produced a history of the world favourable to what was becoming western Europe's most powerful ruling dynasty; the latter wrote history from the perspective of an institution that strongly endorsed the traditional world picture. This raises the question of the extent to which each of these perspectives shaped John Quidort's view of temporal power. It also explains why John employed both texts but chose to make specific mention of Martin and not Vincent.

When his theological views proved contentious, John Quidort reacted by seeking to demonstrate that he in no way deviated from traditionally accepted authorities. He was keen to cite the names of impeccably orthodox thinkers ranging from Giles of Rome and Bonaventure to Peter of Tarentaise. The particular attention he paid to areas where his own views were controversial in his *Correctorium corruptorii* 'Circa', a notional defence of the views of Thomas Aquinas, associated his opinions with those of a figure whose views were officially sanctioned by the Dominican order.⁶⁴ John's decision to name Martin of Troppau in *De potestate* but to exclude mention of Vincent of Beauvais should be interpreted as part of a similar attempt to establish the orthodoxy of his position in what was undoubtedly a controversial work.

Vincent was a figure whose association with the French court was growing by 1300. Yet John may not have considered this association an entirely helpful one when attempting to frame an argument in the context of a Franco-papal dispute. This would be particularly true if *De potestate*, as is often suggested, was intended to offer a convincing *via media*, rather than an overtly royalist polemic.⁶⁵ While the use of Vincent would certainly have been welcomed at the

⁶² Grodziska, 'Martin le Polonais', p. 9.

⁶³ Traditionally Pope Clement IV (r. 1265–68) has been seen as the inspiration behind the chronicle although there is no concrete evidence for this: Grodziska, 'Martin le Polonais', p. 10.

⁶⁴ Cunningham, 'The "Real Distinction"', pp. 15–16.

⁶⁵ For the argument that *De potestate* sought to offer a *via media*, see Rivière, *Le problème de l'Église*, pp. 281–300; Watt, 'Spiritual and Temporal Powers', p. 405; Canning, *A History of Medieval Political Thought*, pp. 145, 147. For the view that John tends to favour the royal perspective, see Krynen, *L'Empire du roi*, pp. 94–95.

Capetian court, it might also have suggested a certain partiality to those sympathetic to the papal cause. Martin, in contrast, was an incontrovertibly orthodox compiler who had adopted an entirely traditional structure for his compilation. And Martin was not simply devoid of potentially controversial associations; John may also have valued his close connection with the papacy. In June 1302, when addressing ambassadors from the French Estates, Pope Boniface VIII had claimed that the deposition of three kings of France by his predecessors could be read in French chronicles just as popes could read of it in theirs.⁶⁶ As will be seen, by employing Martin of Troppau, John of Paris was able to address this particular issue and many others by demonstrating that even papal chroniclers did not support this particular pope's views.

John did more, however, than choose to draw on two histories compiled from two very different perspectives. As has already been noted, both Vincent and Martin were Dominicans. A second key point, then, is that John's principal sources for historical information were both products of his own religious order. John's choices do not appear to have been unusual for a Dominican: for example, the majority of works in the library of the Dominican convent at Dijon concerned Scripture, but the 'historical' reference works, according to the 1307 catalogue, consisted of Martin's chronological tables and Vincent's *Speculum historiale*.⁶⁷ This second point raises two questions. The first is whether Martin and Vincent's works contained any specifically 'Dominican' vision of history. Some indication that they may have done so is suggested by the fact that on one occasion Vincent actually reminded King Louis IX that it was important that the authorities he chose to use were ones that met with the approval of his Dominican superiors.⁶⁸ The second question is whether a 'Dominican' view of history, if it existed, shaped John's thought when he came to consider the issue of temporal power.

A Dominican Understanding of History?

Martin of Troppau, Vincent of Beauvais, and, as will be seen, possibly a third Dominican compiler, James of Voragine (d. 1298), provided John Quidort with the tools that allowed him to use historical examples to develop and support

⁶⁶ 'Praedecessores nostri deposuerunt tres Reges Franciae, et ipsi hoc habent in chronicis suis, et nos in nostris': Boniface VIII, 'P. In Consistorio', p. 79.

⁶⁷ Weber, 'Vincent of Beauvais', pp. 26–27.

⁶⁸ Paulmier-Foucart and Lusignan, 'Vincent de Beauvais', p. 114.

many of the key arguments outlined in *De potestate regia et papali*. In order to understand the way in which the perspectives of these chroniclers and the wider Dominican order may have shaped John's views, it is necessary to understand the way in which he approached the use of his historical sources in constructing the arguments found in *De potestate*. It is first worth noting, however, that while both Vincent and Martin were certainly important to him, John did not always rely primarily on either for his historical examples. It would also be a mistake to assume that John's understanding of specific historical events is always as deep or as considered as it sometimes appears. His primary interest lay in the way in which 'history' could contribute to supporting his arguments. This led to an extremely selective and targeted approach to the past.

In certain instances John's historical 'examples' are lifted verbatim from canon law texts. In Chapter 15, for example, as part of his exploration of papal authority over temporalities, he introduces the nature of the oath to the pope adopted by the Ottonian emperors.⁶⁹ All the historical facts discussed here are lifted directly from *Decretum* D. 63 c. 33, *Tibi domino*, and it seems unlikely that John knew anything about this material beyond what was contained in the legal text itself. He may not even have been aware that the emperor mentioned by the text was Otto I (d. 973). John's argument that the emperor's oath was restricted to the kingdom of Italy and not other parts of the world is, in any case, entirely reliant on the text he found before him in the law books.⁷⁰ While this is a striking instance, John's most blatant acts of appropriating historical examples to support his arguments from sources other than Vincent's and Martin's chronicles occur in the twenty-fourth chapter of *De potestate*. Yet these latter instances also provide clear evidence of the way in which John used the works of his fellow Dominicans to shape historical material to support his arguments.

It has long been recognized that John's approach to the question of papal abdication relied upon the earlier work of a former member of the Parisian Theology Faculty, the Augustinian Hermit Giles of Rome.⁷¹ Although Giles, like Vincent, remains an anonymous figure in *De potestate*, his *De renunciatione*

⁶⁹ *De potestate*, c. 15 (Leclercq, p. 221; Bleienstein, p. 150).

⁷⁰ *Decretum*, D. 63 c. 33, *Tibi domino*: Friedberg, *Corpus iuris canonici*, I (1879), col. 246. John confirms his source for this was the *Decretum: De potestate*, c. 11 (Leclercq, p. 202; Bleienstein, p. 119).

⁷¹ See Leclercq's apparatus: Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 253; echoed in John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein, pp. 340–41.

pape (c. 1297),⁷² Chapter 24 in particular, certainly provides the essence of the series of case studies John presents in his own twenty-fourth chapter. John's decision to discuss the resignation of Saint Peter's successor, Saint Clement, the role of Clement's own successors, Linus and Cletus, and the cases of Saint Marcellinus and the legendary Saint Cyriacus clearly echo Giles's text.⁷³ And yet, as has also been recognized, John was not content simply to reiterate Giles's theory of abdication and to repeat examples as he found them.⁷⁴

John Eastman, in common with the editors of *De potestate*, considered John of Paris to have turned to Vincent of Beauvais to expand the papal cases supplied by Giles.⁷⁵ John's efforts to account fully for the argument that Clement was the second pope after Peter but that Clement then resigned before holding the position of pope again after Linus and Cletus tends to support this. John began by citing Clement's resignation and subsequent re-elevation via Giles,⁷⁶ but then added, following Aymo cited from Vincent, that Linus and Cletus were said to have acted as coadjutors of the papacy in Peter's lifetime. Having held such authority they were consequently listed in the catalogue of popes.⁷⁷ And yet this is not all that John has to say. He also noted that the account of Linus and Cletus as coadjutors appears not just in Aymo but also in certain other histories ('Haymo in Christianarum rerum memoria et in aliis quibusdam Historiis'). What are these other histories? One excellent candidate would be Martin of Troppau's chronicle. Martin makes no mention of Aymo but does deal with the problem of who exactly Peter's successor(s) was/were in similar

⁷² For Giles's career and the place of this tract in it, see Jones, 'Giles of Rome, Political Thought'.

⁷³ Compare *De potestate*, c. 24 (Leclercq, pp. 252–53; Bleienstein, pp. 199–200); *ibid.*, c. 24 (Leclercq, pp. 253, 254, 257, 258; Bleienstein, pp. 199, 200, 201, 206–07); *ibid.*, c. 24 (Leclercq, pp. 253, 254, 257; Bleienstein, pp. 200, 201, 206) with, respectively, Giles of Rome, *De renunciatione pape*, ed. by Eastman, c. 24, part 2, pp. 348, 350, 356; c. 9, p. 209, c. 10, part 8, p. 254, c. 24, part 2, pp. 349, 350, 356; c. 24, part 2, pp. 351, 354. For a summary of these semi-legendary and legendary papal resignations, see Eastman, *Papal Abdication*, pp. 15–16.

⁷⁴ Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 53–54.

⁷⁵ Eastman, *Papal Abdication*, p. 78.

⁷⁶ Compare the passage beginning 'De renuntiatione potest exemplum' and ending 'quam suscipiens quartus fuit a beato Petro': *De potestate*, c. 24 (Leclercq, pp. 252–53; Bleienstein, p. 199) with Giles of Rome, *De renunciatione pape*, ed. by Eastman, c. 24, part 2, pp. 348–49.

⁷⁷ *De potestate*, c. 24 (Leclercq, pp. 252–53; Bleienstein, p. 199). Cf. Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. ix, c. 22, p. 329.

terms.⁷⁸ Martin's less than certain comments as to who Clement's ultimate successor was may also account for the rather odd way in which John ends this discussion: he informs his reader that Clement held the papal throne up to the reign of Anacletus *or* Evaristus.⁷⁹ John's modifications to Giles's account provide a further example of the way in which Dominican histories influenced the shape of the historical examples put forward in *De potestate* even when those examples were not drawn directly from either Vincent's or Martin's accounts.

More, however, can be said of the way in which John used Dominican sources not merely to expand Giles's account of papal history in ways that reflected the broad approach favoured by his order, but to reshape that history to develop and support his own arguments. *De renunciatione pape* had sought to justify the resignation of Pope Celestine V (1294) and to confirm the validity of Pope Boniface VIII's subsequent election. In *De potestate*, by contrast, John's essential interest lay in proving that the pope may be deposed. John was also keen to prove that the body with the authority best suited to make this decision was the general council. The French king Philip IV, immersed in his second dispute with Boniface VIII, was to call for the holding of a general council in 1303 with precisely this purpose in mind. John also believed that, while not as desirable, the council's function could be exercised by the College of Cardinals in cases of necessity.⁸⁰ His approach is at its clearest in *De potestate*'s reworking of Saint Cyriacus's abdication.

Saint Cyriacus was a relatively simple case for Giles of Rome: the Pope resigned against the will of the cardinals and suffered martyrdom with Saint Ursula and her 11,000 virgin companions.⁸¹ John introduced a complication into this tale, one more suited to the topic of papal deposition: the rumour that Cyriacus's interest in spending time with the virgins was not born entirely out of

⁷⁸ Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, pp. 409–10.

⁷⁹ 'tenuit usque ad Anacletum vel usque ad Evaristum': *De potestate*, c. 24 (Leclercq, p. 253; Bleienstein, p. 199). Cf. 'De isto tacet Eusebius in cronicis et dicit, quod Anacletus ipse est qui et Cletus. Sed Damasus papa in cronica Romanorum pontificum, quam scribit Iheronimo, ponit eos diversos et dicit, quod Cletus fuit nacione Romanus, Anacletus autem nacione Grecus': Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 410. For a similar wording, see Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. VIII, c. 93, p. 305.

⁸⁰ *De potestate*, c. 24 (Leclercq, p. 254; Bleienstein, pp. 201–02). For John's theory of papal abdication, see Eastman, *Papal Abdication*, pp. 77–80. On the key differences between John's and Giles's positions, see *ibid.*, p. 79; Eastman, 'Giles of Rome and Celestine V', pp. 204–05.

⁸¹ Giles of Rome, *De renunciatione pape*, ed. by Eastman, c. 24, part 2, p. 351.

a sense of spiritual devotion.⁸² On this point John clearly embraced the account of Martin of Troppau in preference to that given by Vincent, which noted simply that Cyriacus went off with some foolish women.⁸³ At the same time, John retained the focus on the role of the cardinals in this process that appears in Vincent and Giles, but which does not appear in Martin's account. Here, then, is the essence of John's approach to his source material: he did not follow any of his accounts blindly. He carefully selected from Vincent and Martin, blending his material where necessary in order to create a version of the past that best suited the aim of the argument he was seeking to make.

A selective use of historical material is apparent in more than simply John Quidort's efforts to use Giles of Rome's *De renunciatione papae* to build an argument in support of the idea popes might be deposed. It is particularly evident in cases where a specific understanding of historical events forms a key plank in *De potestate's* argument. As part of his rebuttal of papal claims to temporal authority, for example, John addressed the idea that the papacy had transferred the Roman Empire from the Greeks to the Germans. Such an interpretation was, John argued, to misunderstand what had actually occurred. The pope had, effectively, acted on behalf of the Romans, and what had been transferred was not in fact the Roman Empire but merely its title. After 800 it was as if the empire had been divided and two emperors had been created.⁸⁴ John drew the elements of this historical argument from various sources, weaving them together to create an argument that undermined the traditional papal interpretation of the impe-

⁸² 'Sed iste Cyriacus in Catalogo paparum non annumeratur, quia credebant cardinales non propter devotionem, sed propter oblectamenta virginum papatum dimisisse': *De potestate*, c. 24 (Leclercq, p. 253; Bleienstein, p. 200).

⁸³ 'non est positus in catalogo pontificum. Credebant enim plerique eum non propter devocionem, sed propter oblectamenta virginum papatum dimisisse': Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 413. Cf. 'Sed cum in hoc reclamarent omnes, et maxime cardinales, qui eum delirare putabant, quod quasi post fatuas mulierculas declinaret, nescientes monitionem Angeli, qui cum urgebat, ipse constanter permanens, in loco suo virum sanctum qui Antherus dictus est, ordinavit, unde quia sedem Apostolicam invito clero reliquit, nomen ipsius, de cathalogo Romanorum Pontificum idem clerus erasisit': Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xx, c. 41, p. 795.

⁸⁴ *De potestate*, c. 15 (Leclercq, pp. 221–22; Bleienstein, pp. 150–51). See also 'sciendum est ex chronicis supradictis quod non fuit translatio facta quin remaneret imperium apud Graecos secundum rem et apud occidentales secundum nomen. Vel fuit facta divisio imperii ut duo imperatores dicerentur, Romanus scilicet et Constantinopolitanus': *ibid.*, c. 21 (Leclercq, pp. 243–44; Bleienstein, pp. 185–86).

rial translation, and hence a key component of the papal claim to authority in temporal matters.

De potestate's explanation that what had occurred was a division, rather than a translation, finds its origins in Gervais of Tilbury's chronicle, which, following Vincent, John labels *De cosmographia*.⁸⁵ This account is well suited to supporting John's argument. In order to use it, however, he needed to largely ignore Vincent's account of Charlemagne's actual succession, discussed at length in *Speculum historiale* Books XXIII and XXIV, and give preference to this short excerpt from Gervais included by Vincent at the point where he discusses the first Christian emperor, Constantine I (r. 312–37). Yet, adopting a preference for this abbreviated account over Vincent's more detailed discussion presented John with a further problem: Gervais's implication that the initiative for the venture lay with the Pope.⁸⁶ There is here a suggestion that John may have made use of another Dominican source, the *Legenda aurea* (c. 1260–90s). Compiled by James of Voragine, this was a collection of saints' lives set out following the liturgical year. The work, which exists in at least two recensions, was created as a sourcebook for Dominican preachers.⁸⁷ As such — and given its quite staggering popularity⁸⁸ — it would have been unusual if John had not encountered it.⁸⁹ John's familiarity with this work, like his familiarity with the chronicles of both Vincent and Martin, probably owes much to the important role all three played

⁸⁵ Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. XIII, c. 57, p. 525. '*De cosmographia*' is in fact Gervais's *Otia imperialia* (written 1213–14; redrafted 1215–16). For analysis of Vincent's use of this work, see Chazan, *L'Empire et l'histoire*, pp. 504–05, 524–28.

⁸⁶ On Gervais's treatment of the papal role, see Chazan, *L'Empire et l'histoire*, p. 525.

⁸⁷ Boureau, *La légende dorée*, pp. 21–25; James of Voragine, *La Légende dorée*, trans. by Boureau and others, pp. xxii–xxv. Concerning the recensions, see Maggioni, 'Dalla prima alla seconda redazione'; Maggioni, *Ricerche sulla composizione*; James of Voragine, *La Légende dorée*, trans. by Boureau and others, pp. xxvii–xxviii.

⁸⁸ On the reasons for this, see Reames, *The 'Legenda aurea'*, pp. 197–209. About a thousand manuscripts survive in the Latin version alone, and the only book more widely read in the later Middle Ages was probably the Bible. The number of extant manuscripts has made producing a critical edition of the *Legenda aurea* as challenging as producing one for the *Speculum historiale*. Its modern editor, Maggioni, sought to produce a version of the text in one particular stage of its development rather than an edition that takes account of all the possible variants: James of Voragine, *La Légende dorée*, trans. by Boureau and others, pp. xlix–li.

⁸⁹ The work was certainly circulating within the University of Paris by 1276: James of Voragine, *La Légende dorée*, trans. by Boureau and others, p. xxiii; Fleith, '*Legenda Aurea*'. For evidence of early Dominican use, see Gaffuri, 'Du texte au texte'.

in providing *exempla* for Dominican preachers.⁹⁰ In a short chronicle that has become known as the 'History of the Lombards', and which James of Voragine incorporated into his collection, John would have found an idea crucial to the argument presented in *De potestate*: that the initiative behind the events of 800 lay with the Romans, not with the Pope. John may also have read the rather ambiguous account found in the 'History of the Lombards' as supporting a similar view of the division of the empire to that favoured by Gervais.⁹¹

The eighth-century deposition of the Merovingian ruler Childeric III by the founder of the Carolingian dynasty, Pepin III, was, for John Quidort, another important example of how his opponents had misunderstood papal involvement in temporal affairs. When addressing this topic in *De potestate*, John's aim was to demonstrate that the pope had at best operated as a consultant for a decision taken by the French barons. John's position was built on the bedrock provided by the gloss to *Decretum* c. 15 q. 6 c. 3, where Pope Zachary's actions were described in terms of the giving of consent to those who had actually deposed the king.⁹² John's problem in constructing his argument was that Martin of Troppau, whom he makes clear supplied the basis of his account, attributed only a limited role to the barons and a prominent one to the Pope.⁹³ Vincent of Beauvais was certainly no better.⁹⁴ John's first step was to 'adjust' Martin's account to make clear that the Pope had been consulted not simply by Pepin but by the French barons, in line with his broader argument that it was with this

⁹⁰ Mulchahey, *First the Bow is Bent*, pp. 465–72.

⁹¹ 'Romani igitur suadente papa anno domini DCCLXXXIII relicto imperio Constantino-politano uno omnium consensu imperatorias laudes Karolo acclamant eumque per manum Leonis imperatorem coronant cesarem et augustum appellant. [...] Verumptamen propter dignitatem imperatores Romani nuncupati sunt usque ad illud tempus quo Romanum imperium ad reges Francorum translatus est. Postea vero illi Grecorum sive Constantinopolitanis, isti vero Romanorum imperatores vocati sunt': James of Voragine, *Legenda aurea*, ed. by Maggioni, c. 177, pp. 1270–71. On the 'History of the Lombards' and its connection with a short chronicle by Vincent of Beauvais incorporated into his *Speculum naturale*, see Mula, 'L'Histoire des Lombards'. Chazan notes John's use of Gervais and his preference for the role of the Romans over that of the Pope, but does not account for either: Chazan, *L'Empire et l'histoire*, p. 533.

⁹² 'Glossa ordinaria exponit "id est deponentibus consensit": *De potestate*, c. 14 (Leclercq, pp. 218–19; Bleienstein, p. 145).

⁹³ *De potestate*, c. 14 (Leclercq, pp. 218–19; Bleienstein, pp. 145–46). Cf. Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 460.

⁹⁴ Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xxiii, c. 154, p. 953.

body that the initiative to begin the process of removing a ruler ultimately lay.⁹⁵ John went on to throw further doubt on the papal role in these affairs by noting that some narratives actually suggested that Childeric had not been deposed at all. According to these latter, John noted, Childeric became a monk out of piety after reigning for four years. Pepin was subsequently chosen by the barons and appointed king. Again, the Pope simply acted as a consultant to the barons in this process.⁹⁶ This latter piece of novel invention is entirely unique to John. It may have its origins in a rather mangled reading of a further chronicle source, Godfrey of Viterbo's *Pantheon*, where Pepin's brother Carloman is said to have reigned for four years before choosing to become a monk.⁹⁷ In this case John seems to have failed to find a satisfactory explanation in any of his Dominican compilations. In order to make his broad point he needed to do more than take a selective approach to his existing sources: he needed to create a new and improved version of the past. His method was not dissimilar when addressing the thorny problem of historical claims that the kingdom of France had once been — and therefore should still be — subject to the Roman Empire.

Chapter 3 of *De potestate* attacked the broad principle of universal temporal monarchy. Despite this, as has already been noted, a degree of ambiguity existed in John's treatment of the role of the western emperor. That is not to say, however, that John did not offer more specific arguments against imperial pretensions. The Trojan origins of the Franks were employed by John as part of an argument accounting for French independence from the Empire. His exploration of this topic was intended to counter a possible argument that French kings were subject, ultimately, to the pope. Such an argument was founded on the belief that the first Christian emperor, Constantine I, had bestowed imperial authority on post-fourth-century popes. John's opponents could argue that

⁹⁵ 'Miserunt ergo barones de Francia ad Zachariam papam ut discerneret de eorum dubio, quis scilicet potius deberet esse rex': *De potestate*, c. 14 (Leclercq, p. 219; Bleienstein, p. 145). Cf. 'Pipinus vero [...] solus gubernabat Francorum principatum et maior domus dicebatur et misit ad Zachariam papam, quis potius rex deberet esse': Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 460. For John's broader argument, see *De potestate*, c. 13 (Leclercq, p. 214; Bleienstein, p. 139).

⁹⁶ 'Aliorum similiter Chronicae sic habent': *De potestate*, c. 14 (Leclercq, p. 219; Bleienstein, p. 146). The same events are referred to in the next chapter without naming Childeric but adding that the King was motivated by an awareness of his unsuitability: *ibid.*, c. 15 (Leclercq, p. 222; Bleienstein, p. 152).

⁹⁷ Godfrey of Viterbo, *Pantheon*, ed. by Waitz, part 22, c. 43, p. 204. Similar comments appear in Martin's account, but there Carloman is said to have ruled for five years.

this had transferred authority over France to the papacy because the so-called *Donation of Constantine* included all of the Empire's western provinces.⁹⁸ One contemporary papal hierocrat who sought to incorporate just such an argument into his own work was James of Viterbo.⁹⁹

Trojan origin myths were common currency in early fourteenth-century France, and the *Speculum historiale* played an important role in disseminating such ideas.¹⁰⁰ John's version of the myth was not unusual in that it had its foundations in Vincent's work.¹⁰¹ Yet John departed from his source on one key point. Like all contemporary writers of history in France, Vincent accepted the fact that, despite their glorious ancestry, the Franks had been subject for a time, at least, to the Romans. John does not appear to have been satisfied by this. He may have been particularly concerned by the arguments of certain jurists that prescription could not run against the Roman Empire. If such arguments were accepted then *any* period of subjection to Rome, however brief, might pose grave consequences for an argument in favour of French independence. Whether or not this factor played a part in formulating his approach, John took the novel step of arguing that the Franks had never been subject to the Romans in any way.¹⁰² John's vision was not one that the Capetian kings themselves seem to have sought to promote, despite an interest in the Trojan origins of their kingdom. A well-disseminated vernacular text, the *Grandes Chroniques de France*, offers a notable example. Begun at the request of a member of the French ruling dynasty, this work might be considered close to 'official' royal historiography. The version of the Trojan myth as it appears in the *Grandes Chroniques* is, how-

⁹⁸ *De potestate*, c. 21 (Leclercq, p. 246; Bleienstein, pp. 188–89).

⁹⁹ James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 10, pp. 312–18.

¹⁰⁰ On the roots of this origin myth and the role of Vincent in popularizing it, see Beaune, *Naissance de la nation France*, pp. 20–21, and most recently Wolf, *Troja-Metamorphosen eines Mythos*.

¹⁰¹ Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xvi, c. 3, p. 619. Leclercq's apparatus suggests that John may also have drawn on Godfrey of Viterbo: Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 246, n. 1 (followed by Bleienstein and Watt). While Godfrey offers a more detailed account he does not supply specific information used by John absent from Vincent: Godfrey of Viterbo, *Pantheon*, ed. by Waitz, part 22, c. 40, p. 201; Godfrey of Viterbo, *Pantheon sive Memoria Saeculorum*, ed. by Migne, cols 919b–921c.

¹⁰² Jones, *Eclipse of Empire?*, p. 234; Beaune, *Naissance de la nation France*, p. 43. In making this argument John carefully distinguished the Gauls from the Franks, noting that the former had at one point been subject to the Empire: *De potestate*, c. 21 (Leclercq, p. 246; Bleienstein, p. 188).

ever, closer to the version given by the great Dominican encyclopaedist than it is to that found in *De potestate*.¹⁰³

It is possible that John encountered a position similar to his own view of the Franks' Trojan origins in an anonymous tract produced in the late spring or summer of 1302.¹⁰⁴ And yet while John may have had a plethora of sources before him, none of them supplied a version of historical events that fully supported the argument he was seeking to make. When addressing the question of the Franks' origins John rewrote the past to better suit his arguments. His approach to historical events was not dissimilar to the one Marsilius of Padua would later adopt when attempting to rebut Landolpho of Colonna's arguments on the translation of empire.¹⁰⁵ Indeed, it is possible John displayed a comparable tendency to 'adjust' his sources when employing the work of John of Damascus in his *determinatio* concerning the Eucharist.¹⁰⁶ Whether or not this is the case, John's methodology in *De potestate* involved establishing an understanding of specific historical events that supported his points. If necessary this meant adjusting the version of those events available to him in his sources.

John Quidort tended to draw heavily on historical material compiled by his own order, but he was also clearly willing to break with historical accounts promoted by Dominican authorities if they had the potential to undermine his broader conception of temporal power. So far, we have, then, established a deeper understanding of the way in which John employed historical sources — and particularly Dominican historical compilations — in *De potestate*, and the relationship between his arguments and those sources. The question remains, however, as to whether John's conception of human history as part of the unfolding and fulfilment of God's plan can help to explain the apparent inconsistencies in *De potestate*'s portrait of the role of the western emperor. How, then, did

¹⁰³ Jones, *Eclipse of Empire?*, pp. 236–37.

¹⁰⁴ Anonymous, *Quaestio disputata in utramque partem*, ed. and trans. by Dyson, pp. 80–82. For the dating, see *ibid.*, pp. xxx–xxxiii. The relationship between this text and John's work remains unclear: Anonymous, *Quaestio de potestate papae (Rex pacificus)*, ed. and trans. by Dyson, p. xvi.

¹⁰⁵ Guenée, 'Marsile de Padoue'. For the most recent analysis of Marsilius's use of history in the work he aimed at Landolpho, see Briguglia, 'The Minor Marsilius', pp. 268–87.

¹⁰⁶ A key term cited in support of John's theory of impanation matches no contemporary Latin translation of John of Damascus's *De fide orthodoxa*. John of Paris's usage was not borrowed directly from Aquinas; nor, as Martin points out, does it accord well with the meaning of the original Greek: Martin, 'The Eucharistic Treatise', pp. 208–09.

John conceive of the emperor's position, and to what extent did his historical framework play a role in shaping his view?

The Role of the Emperor

The Roman emperor's key role lies, for John of Paris, in disciplining popes who abuse their authority, particularly those who abuse it in temporal matters. John is quite explicit: the emperor has a 'primary right' (*primum ius*) to act in such matters. When discussing the emperor's role John's qualification 'if there is one' indicates that the word 'emperor' is not in this case simply interchangeable with any ruler.¹⁰⁷ Why does the emperor possess this primary right? John certainly lists a number of interpretations, based on biblical exegesis, that have the potential to extend this particular right to rulers in general. Yet his clear preference is for an argument that, when it comes to civil matters at least, the origin of the right lay in the fact that an emperor was responsible for the privilege that exempted bishops from the normal civil process. As the emperor is the originator of this privilege, John's clear implication is that the emperor is able to resume the exercise of final authority in civil matters when it comes to churchmen if he should so choose, and that this authority encompasses the pope.¹⁰⁸ This is, perhaps, not an entirely convincing — and certainly somewhat convoluted — legal justification. Alongside it, however, John reinforced the uniqueness of the imperial role by arguing that it is to the emperor, specifically, that the cardinals should turn and request aid should they need to act against a pope erring in spiritual matters.

John's arguments are accompanied by a plethora of historical examples of emperors who have 'praiseworthily', as he puts it, intervened to discipline problematic popes. John's key case study concerns Emperor Henry III's deposition of rival papal candidates, by — in a somewhat altered version of Martin of Troppau's phrase that emphasizes the imperial quality of the action — not only canonical but imperial censure.¹⁰⁹ Almost certainly keeping in mind his own

¹⁰⁷ For the emperor's 'primary right', see *De potestate*, c. 13 (Leclercq, pp. 214–15; Bleienstein, p. 139). For the comment 'if there is one', see *ibid.*, c. 13 (Leclercq, p. 214; Bleienstein, p. 139); *ibid.*, c. 18 (Leclercq, p. 230; Bleienstein, p. 165).

¹⁰⁸ *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, pp. 139–40).

¹⁰⁹ 'non solum canonica sed imperiali censura deposuit': *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 139), where John mistakenly puts the number of popes deposed at two. The synod of Sutri (1046) deposed three rival claimants: Benedict IX, Silvester II, and Gregory VI. John recounts the incident a second time, on this occasion accurately recording the number of

dictum that legal norms should not be drawn from unique events,¹¹⁰ John added the case of Pope John XII (r. 955–63), who, after being warned frequently of his conduct and having failed to reform, was deposed by the emperor and the clergy.¹¹¹ In Chapter 22, although he uses somewhat vaguer terms, John again notes three popes who had been removed by the secular powers: Benedict IX,¹¹² and the antipopes Constantinus II (elected 767) and Honorius II (r. 1061–69; d. 1071). Two of these, Benedict and Honorius, had been deposed by, respectively, Emperors Henry III and Henry IV (r. 1056–1106).¹¹³ *De potestate*, then, grounds a unique role for the western emperor, one that differs substantially

popes deposed. When discussing Henry III's censure, this second version, at least as it appears in the oldest representative of the manuscript tradition (BnF, MS lat. 18288), adopts a slightly different phrasing: 'imperiali et catholica censura deposuit', *De potestate*, c. 22 (Leclercq, p. 251; Bleienstein, p. 196). The uniqueness of John's original phrasing in this second case is obscured in certain manuscripts — and both Watt's and Monahan's translations — where a wording much closer to that employed by Vincent and Martin is adopted. Cf. 'et eis canonica et imperiali censura depositis': Martin of Troppau, *Martini Oppaviensis Chronicon pontificum et imperatorum*, ed. by Weiland, p. 433; for an identical wording, see Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xxv, c. 27, p. 1011.

¹¹⁰ *De potestate*, c. 14 (Leclercq, pp. 219–20; Bleienstein, pp. 146–48). For a different interpretation of this particular remark, one that suggests John deliberately sought to reduce the value of historical examples in the development of political theory, see Briguglia, 'The Minor Marsilius', p. 271.

¹¹¹ *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 140). John XII, who invoked pagan gods, ran a brothel in the papal palace, and castrated a cardinal, was removed by Emperor Otto I.

¹¹² Benedict IX was pope on multiple occasions between 1032 and 1048 and possesses the dubious honour of having been the only incumbent to have sold the papal office.

¹¹³ 'Sic enim legitur in *Chronicis Romanorum Pontificum* de Benedicto IX et de Cadelo Portuensi episcopo, Constantino II et aliis quibusdam propter intrusionem per brachium saeculare commendabiliter a sede depositis': *De potestate*, c. 22 (Leclercq, p. 248; Bleienstein, p. 193). The identity of the latter two figures remains unclear in the existing editions and translations. There are no cardinal-bishops of Porto named 'Cadelus'. Nor are there any cardinal-bishops of Ostia of this name, if Monahan's preferred reading of this passage is accepted: John Quidort of Paris, *On Royal and Papal Power*, trans. by Monahan, p. 119. It seems probable that an early error in the manuscript tradition obscured what is in all likelihood a reference to Pietro Cadulus, bishop of Parma, who, as the antipope Honorius II, was deposed by supporters of Emperor Henry IV. The case is portrayed as praiseworthy imperial intervention by Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. by Weiland, p. 434. The reference to the antipope Constantinus II is also taken from Martin's chronicle, although the idea he was deposed by the secular power stretches Martin's point: *ibid.*, p. 426. Bleienstein's reference to Vincent's account of John XII in connection with this passage is incorrect; Leclercq's reference to Emperor Constantine is even more misleading.

from that of any other ruler, in John's understanding of the way in which medieval emperors dealt with erring popes. And yet for all this John clearly remains torn: at one point he argues that anyone may censor the pope, at least if he errs in spiritual matters, not from virtue of their office but from the ardour of their charity.¹¹⁴ If this is true, though, why is the emperor said to possess a 'primary right' at all?

John of Paris clearly did not like the idea of all temporal authority being made subject to a single head. The world, he noted, was never as peaceful in the time of the Roman Empire as it was before and after it.¹¹⁵ Yet for John, Roman emperors continue to serve a particular purpose: it is their role to provide a check on popes who prove wayward in temporal affairs and also, in cooperation with the cardinals, in spiritual affairs if necessary. Emperors are chosen by the people and the army to fulfil this coercive function. It sits alongside an additional function, that of the defence of the people against pagans and infidels in cases where there is no possibility of another defender being found. John highlights the elevation of Charlemagne as an example of such a case.¹¹⁶ It was clearly possible, as John of Saint-Victor illustrated, to imagine a world in which there was no need for a universal emperor to fulfil either of these functions. Given that *De potestate* provides such a strong and convincing Aristotelian-derived argument against universal temporal rule, why did a 'remnant' — to borrow Joseph Canning's term — of a rather different model of temporal power linger in John Quidort's thought?¹¹⁷ The key almost certainly lies in two factors: firstly, the question of what John was trying to achieve in *De potestate* when he attacked the idea of universal temporal authority, and secondly, the way in which his commitment to a broader 'Dominican' conception of history shaped his view of the emperor's role.

Aristotle certainly opened up new doors for John. The *Politics* provided him with the tools he needed to reimagine the relationship between kingdoms, the Empire, and the papacy. Or, perhaps, it would be more accurate to say it provided him with a new way of expressing and explaining that relationship. John may well have been the first to dismiss the necessity of a single ruler exercising ultimate temporal authority over the entire world using an argument drawn from the *Politics*. It is easy to forget, however, that the idea that claimants to the

¹¹⁴ *De potestate*, c. 22 (Leclercq, p. 249; Bleienstein, p. 194).

¹¹⁵ *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 190).

¹¹⁶ *De potestate*, c. 15 (Leclercq, p. 222; Bleienstein, p. 151).

¹¹⁷ Canning, *Ideas of Power*, p. 58.

title of 'Roman emperor' were universal territorial rulers had had, in France at least, virtually no currency for some considerable time. As early as the 1230s Hugh of Saint-Cher, one of John's predecessors at the Dominican convent in Paris and his order's second regent master in Theology, had made the point succinctly. When commenting on Proverbs 8. 31 Hugh explained that dominion of the world was like a ball. This ball passed from people to people until the Romans received it. Yet in the present day, Hugh noted, the ball was divided.¹¹⁸ *De potestate* was not, in other words, making a particularly novel point: the emperor had long been perceived, on one level at least, as a limited territorial ruler, one amongst many.¹¹⁹ By drawing on Aristotle, John was, to a certain extent, simply making an old point in a new way. That he felt constrained to do so at all was not because he was seeking to establish the theoretical foundation stone of the independent, modern state; John's arguments were grounded firmly in the events of early fourteenth-century France.

In common with many of the anonymous Parisian pamphleteers who wrote in Philip IV's defence during the first decade of the fourteenth century, John sought to prove that France was not subject to the territorial overlordship of the Empire in order to defeat any claims over France that Pope Boniface VIII might advance based on papal claims over the Empire. His determination to prove the independence of the French kingdom from the authority of the Roman emperor may have been particularly inspired by Boniface's attempts to draw the current contender for the imperial throne, Albert of Habsburg (d. 1308), into the Franco-papal dispute: papal confirmation of Albert's imperial candidature and an accompanying assertion of the authority of emperors over kings did not go unnoticed by French contemporaries.¹²⁰

John's Aristotelian-derived argument was one of a number of ideas that sought to establish French independence. He included it alongside specific interpretations of the Trojan origins of the Franks and the legal argument of prescription. All of these arguments helped to prove that the emperor did not, and should not, exercise any specific temporal authority over the French king-

¹¹⁸ 'Primus fuit monarchia apud Assyrios, postea quasi pila proiecta venit ad Persas et Medos, postea ad Grecos, postea ad Romanos. Modo divisa est pila': cited in Smalley, 'Some Thirteenth-Century Commentaries', pp. 345–46. On Hugh, see Verger, 'Hugues de Saint-Cher'; Gy, 'Hugues de Saint-Cher'.

¹¹⁹ On this topic, see Jones, *Eclipse of Empire?*, pp. 259–308. Cf. Jostkleigrew, *Das Bild des Anderen*.

¹²⁰ For Albert's confirmation, see Paravicini Bagliani, *Boniface VIII*, pp. 340–42. On the manner in which this was interpreted in France, see Jones, *Eclipse of Empire?*, p. 231.

dom. In a sense John was simply summing up and developing the theoretical foundations of a view that the inhabitants of France had accepted as reality for at least a century: emperors did not rule in France. Adopting this position did not, though, necessarily dismiss the emperor's universal role in temporal affairs. John's Aristotelian-derived argument had the *potential* to do so because, unlike historical arguments or arguments based on prescription, it did not make France an exception to a general rule that endorsed *de iure* imperial authority. Yet in order to establish a truly novel argument John would have had to deny that the emperor was anything more than a king and make clear that he did not in fact possess any distinctive qualities; *De potestate* does not do this. John's approach is almost certainly explained by the nature of the non-Aristotelian sources that simultaneously informed his thought. Whether legal or historical, these tended to argue in favour of the uniqueness of imperial power.

Thirteenth-century canonists tended to place limits on imperial authority. Yet arguments based on canon law posed a problem for a writer such as John Quidort because canonists such as Pope Innocent IV (r. 1243–54) also tended to subordinate all temporal power to the papacy.¹²¹ Roman law presented a different, yet equally troublesome, problem. The emperor might not, *de facto*, be lord of the world, but very few medieval jurists argued that he did not exercise supreme temporal authority *de iure*. Even those of distinctly polemical intent and keen to promote the Capetian kings of France, such as John's contemporary the Norman lawyer Pierre Dubois, found themselves constructing arguments that recognized some form of supreme temporal authority.¹²² Roman law, at least Roman law as it was interpreted in early fourteenth-century Paris, was effectively a closed system. The *Corpus iuris civilis* conceived of the world in terms of a hierarchical structure of temporal authority which culminated in the emperor at its apex.¹²³ Jurists might argue for exceptions to imperial authority,

¹²¹ Jones, *Eclipse of Empire?*, p. 232.

¹²² Jones, 'Rex Francie', pp. 82–84.

¹²³ A somewhat different interpretation was evolving amongst certain contemporary jurists in the Angevin kingdom in southern Italy: Canning, 'Ideas of the State', pp. 4–7. As Jean Dunbabin has demonstrated, there was an influential exchange of ideas and personnel, particularly in theology and medicine, between Paris and Naples in the second half of the thirteenth century: Dunbabin, *The French in the Kingdom of Sicily*, pp. 214–34. The exact extent to which there was cross-pollination in legal thought remains, however, unclear. While Neapolitan lawyers certainly visited Paris and those based at Orléans responded to invitations to come to the *Regno*, the influence of ideas developed in Sicily on Parisian thinkers and vice versa is notably harder to trace than borrowings in an area such as medicine: *ibid.*, pp. 235–49.

but the very structure of the law code undermined any argument for the *de iure* independence of kings.¹²⁴ Simply by employing legal sources — and the importance of these in the formation of John's thought has doubtless been overshadowed by his use of Aristotle — John would have found it difficult to establish an argument in favour of a world without an emperor.¹²⁵ This 'problem' was compounded by a Dominican understanding of the way in which human history had — and should — unfold as part of God's plan.

That John was a Dominican is, as Janet Coleman has highlighted, evident throughout *De potestate*. It is, for example, almost certainly the Dominicans' favourable view of Bernard of Clairvaux (d. 1153), a figure whose image the order virtually monopolized from the thirteenth century,¹²⁶ that accounts for Bernard's prominence alongside Augustine and Aristotle as one of the tract's most frequently cited individual authors. John would also cite Bernard in at least one of his sermons.¹²⁷ John's use of Peter Comestor's *Historia scholastica* may be the result of a similar Dominican preference.¹²⁸ In fact Coleman has gone so far as to suggest that *De potestate* has more to do with Dominican disputes with their fellow mendicant order, the Franciscans, concerning each order's respective position on the nature of property and Christ's royalty, than it does with the fracas between Philip IV and Boniface VIII.¹²⁹ Coleman's assessment undoubtedly downplays the tract's connection with the contemporary Franco-papal quarrel. Yet Dominican compilers of history, most notably Vincent and Martin, supplied John with more than simply the 'facts' of history; they supplied him with

There remains room for a comparative analysis of specific ideas in juristic texts.

¹²⁴ Jones, *Eclipse of Empire?*, p. 225.

¹²⁵ Concerning John's knowledge of canon law, see Tierney, *Foundations of the Conciliar Theory*, pp. 147–48, and for the way in which a combination of Decretist doctrines and canonistic corporation theory underpinned his view of the internal structure of the Church, pp. 149–50. Watts, *The Making of Politics*, p. 137, mistakenly, but understandably, even labels John a 'canonist'.

¹²⁶ Boureau, 'Saint Bernard dans les légendiers Dominicains'.

¹²⁷ Leclercq, 'Jean de Paris', p. 294.

¹²⁸ Concerning the Dominican view of this work, see Boureau, *La légende dorée*, p. 24.

¹²⁹ For an overview of this position, see Coleman, *A History of Political Thought*, pp. 118–33. For more detailed discussion including the argument that *De potestate* was written as a series of tracts in the period 1297–98, that is, prior to Philip's key dispute with Boniface, see Coleman, 'The Dominican Political Theory'; Coleman, 'The Intellectual Milieu'. For an alternative view, which supports the traditional dating but argues that the manuscript tradition represents three different redactions of the text, see Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie'.

a broader 'historical template' favoured by his order and, to a certain extent, by the Church as a whole. It was a template that was as much of a closed system as the *Corpus iuris civilis*. To depart from it, John would have needed to break with the way in which the Dominican order envisaged the history of salvation. That he chose not to do so, while still arguing against the exercise of universal temporal authority by one man, accounts for the apparent inconsistencies in *De potestate's* portrayal of the emperor.

The *Speculum historiale* contained a privileged position for the Roman Empire; indeed most of its books were structured around the reigns of emperors. The Empire was even more central to Martin's 'Chronicle of Popes and Emperors' despite the fact that by the time its last recension appeared there had not been a universally recognized emperor for over thirty years. The last to have possessed the title had been the deposed ruler Frederick II (d. 1250). Vincent, and Martin who followed him, did not, however, interpret the absence of an emperor to signify that the empire had ceased to exist; it was, they argued, merely vacant.¹³⁰ James of Voragine concluded his 'History of the Lombards' by adopting a similar position: Pope Innocent IV's deposition of Frederick II had created an imperial vacancy, one which continued up to the present day.¹³¹ Vincent, Martin, and James stood in a long tradition of writers who viewed the necessity of the continued existence of the Roman Empire as something which transcended any contemporary political disputes: it was the last empire of the book of Daniel, and its ceasing to exist would herald, quite simply, the end of the world. Such eschatological interests are particularly evident in the *Speculum historiale* where Vincent ends his history not with the events of his own day but with a final series of chapters that explain precisely how the Last Days of the world will unfold.¹³² The structure of both Vincent's and Martin's chronicles assumed that the Roman Empire and its ruler fulfilled a necessary role in the proper unfolding of Christian history, and that they would continue to do so.

John of Paris was certainly interested in eschatological issues: in 1300, he wrote a work on the coming of the Antichrist in opposition to Arnold of Villanova's views. In so doing he again grounded himself in the work of his own order, drawing extensively on the work of Vincent of Beauvais: Book xxxi of the *Speculum historiale*, as well Vincent's account of King Edward the Confessor's

¹³⁰ Chazan, *L'Empire et l'histoire*, p. 679.

¹³¹ 'Quo deposito et defuncto sedes imperii usque hodie vacat': James of Voragine, *Legenda aurea*, ed. by Maggioni, c. 177, p. 1282. This ending appears only in the second recension.

¹³² Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xxxi, c. 106–29, pp. 1323–32. Jones, *Eclipse of Empire?*, p. 334.

vision of the Seven Sleepers in Book xxv, supplied John with much of his material.¹³³ Like many Dominicans, John may have shared the view, partially inspired by the writings of the late twelfth-century abbot Joachim of Fiore, that his own order had a unique role to play in what was widely considered the world's final age.¹³⁴ This was certainly the official position established by the order's master general, Humbert of Romans, in a joint encyclical released in 1255 with the Franciscan minister general.¹³⁵ For John, then, the problem was the extent to which a historical model that emphasized the integral role of the Roman Empire in human history could be made compatible with an attempt to prevent the papacy claiming temporal power via the universal authority associated with that empire.

At the end of the twenty-first chapter of *De potestate*, John suggests that it might be God's will that the Roman Empire come to an end. To make the point he draws on Numbers 24. 24, Peter Comestor's commentary on that passage, and the ordinary gloss to Daniel 7. 23. At first glance this appears to be a striking challenge to the position that underpinned the 'Dominican template' represented by both Vincent and Martin. It is notable, however, that having raised the possibility that the Empire might end, John does not go so far as to state that this had actually happened. Nor does he speculate on whether or not such an event, if it did occur, would mark the beginning of the Last Days. John's comments on this point are, in fact, remarkably non-committal, particularly when compared to the robust dismissal of the *Donation of Constantine* that precedes

¹³³ John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 15; for Edward: *ibid.*, p. 153 (lines 354–85; this relates to Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xxv, c. 20, p. 1009, and not, as Clark suggests, c. 22); for the probable use of *Speculum historiale*, bk. xxxi or other works by Vincent, see John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, pp. 134 (lines 66–70), 136 (lines 76–78), 137 (lines 80–83), 141 (lines 103–05), 154 (lines 393–99), 156 (lines 409–45), 164 (lines 503–23). Clark goes so far as to suggest that John's acquaintance with the writings of Joachim of Fiore may have been primarily via Vincent: *ibid.*, pp. 158–59. The extent to which John's broader theological knowledge was informed by Vincent and by the writings of his order more generally are topics worth further exploration.

¹³⁴ Reeves, *The Influence of Prophecy*, pp. 161–74. The idea that the Dominican order had a unique role in the world was also fostered by the parallels James of Voragine and the *Vitae fratrum* of another Dominican, Gerard of Frachet (d. 1271), drew between the Dominicans and the desert fathers: Boureau, 'Vincent de Beauvais', pp. 124–25; Boureau, *L'Événement sans fin*, pp. 55–80.

¹³⁵ For this, and for the similarities between Dominican and Franciscan commentaries on the Apocalypse, see Burr, 'Mendicant Readings of the Apocalypse'.

them.¹³⁶ And even if the territorial Empire had, indeed, ceased to exist by divine will, John's tract clearly left open a universal role for the emperor in a properly ordered Christian world. By envisioning the emperor as a figure whose primary responsibility was to act as a check on the pope, John could continue to subscribe to a Dominican vision of history while simultaneously dismissing the necessity that all temporal rule should be subordinate to one man.

* * *

John Quidort of Paris offered a new, Aristotelian-derived argument to justify the independence of kingdoms from the authority of the Roman emperor as a territorial ruler. Yet he also continued to endorse a unique role for that emperor, albeit one that did not involve the exercise of universal rulership. While this might appear paradoxical from a modern perspective, it underlines the fact that *De potestate* is a tract that can only be understood fully in the context of early fourteenth-century France. That context is the heated dispute between Philip IV and Boniface VIII, but it is also John's position as a theologian at the University of Paris and a member of the Order of Preachers. John's 'immediate aim', as Joseph Canning has put it, was to vindicate the independence of French kings from both pope and emperor.¹³⁷ That John found himself unable to escape the idea that the emperor still had a vital role to play in the world is an important legacy of his status as a Dominican and of that order's corporate endorsement of a specific understanding of how history had — and would — unfold. It was a perspective doubtless reinforced by John's reading of the *Corpus iuris civilis*.

John Quidort developed an unusual view of the Empire and its ruler in *De potestate*. In the midst of a Franco-papal dispute, he dismissed the idea of a universal territorial ruler while defining the emperor as a figure ultimately responsible for disciplining an erring pontiff. While John's Aristotelian justification for independent kingdoms was unique, dismissing imperial claims to exercise universal territorial authority was not particularly remarkable. By 1300, few in France would have seriously entertained the idea that emperors exercised wide-ranging authority beyond the German lands of the medieval empire; yet nor would John's contemporaries have dismissed the idea that the emperor remained a universal figure. Where John differed from his contemporaries was in the nature of the universal role he accorded to the emperor. Many, including

¹³⁶ *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 191).

¹³⁷ Canning, *Ideas of Power*, p. 58.

the Capetian kings themselves, appear to have considered the emperor to exercise a form of universal authority but one primarily connected with the leadership of the crusade movement.¹³⁸

Despite his association with new conceptions of political organization, John Quidort exemplifies the continuing importance of the idea that some form of universal temporal authority was considered necessary in the late medieval world. The decline in the practical power of medieval emperors following the death of Emperor Frederick II and the emergence of powerful centralizing monarchies in England and France did not diminish the significance of this idea; as I have argued elsewhere, it merely transformed it.¹³⁹ *De potestate regia et papali* offers a striking argument in support of French independence, but it remains a tract of its times in that its author continued to think within the parameters of the traditional two-power model of society. In order to make a specific point in 1302/03 John needed to demolish any argument that Roman emperors exercised authority over France. He did so in a novel and effective way while simultaneously leaving space for an altogether different interpretation of universal temporal authority, one disconnected from the exercise of practical territorial authority by the emperor beyond the boundaries of the medieval empire. John's decision has tended to be seen as an inconsistency in his thought. Yet this approach enabled him to continue to think within a well-established historical framework. In terms of the fourteenth-century French milieu, the unusual figure was in fact the chronicler and theologian John of Saint-Victor, who denied the Empire and its ruler any uniqueness at all. John Quidort succeeded in producing an argument that dismissed any claim the papacy might seek to make to temporal authority via the Empire but retained a vision of the western emperor compatible with the view of history embraced by Dominican writers such as Vincent of Beauvais and Martin of Tropic. There is, in short, little that is inconsistent about *De potestate regia et papali*'s view of imperial authority when it is considered in context.

¹³⁸ Jones, 'Understanding Political Conceptions'.

¹³⁹ For a summary, see Jones, *Eclipse of Empire?*, pp. 353–62.

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JOHN OF PARIS AND THE APOCALYPSE: THE BOUNDARIES OF DOMINICAN SCHOLASTIC IDENTITY

Anna Milne-Tavendale*

If learning, teaching, and preaching were the fundamental tasks of the medieval Dominican friar, John Quidort of Paris fulfilled them all admirably.¹ By the year 1300 John was almost at the pinnacle of his career. He had preached a series of sermons during the 1290s, nearly two hundred of which survive, he was a respected lecturer on the *Sentences*, and he was a mere three years from his inception as a master of Theology and appointment as regent master. Also a prolific writer, by the time of his death in 1306 he was the author of over twenty works on a variety of subjects. Yet John Quidort's career at the University of Paris has not been generally remembered for either the quantity or the variety of the works that he produced. Instead he is remembered for the disagreements in which his writings became embroiled.² From the few details that can be determined, it seems that he not only encountered delays in his

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¹ Hinnebusch, *The History of the Dominican Order*, II, 3–6.

² For overviews of these controversies and the works that produced them, see Roensch, *Early Thomistic School*, pp. 98–104; McLaughlin, *Intellectual Freedom*, pp. 195–97, 217–19, 249, 269–71. For the broader political context, see Strayer, *The Reign of Philip the Fair*; Jones, *Eclipse of Empire?*, pp. 238–57.

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inception as a master but repeatedly skirted the boundaries of orthodoxy in the years bordering 1300.³ John's views on the Eucharist, in particular, not only provoked condemnation within his own order but set him at odds with several prominent bishops drawn from the ranks of the secular clergy.⁴ While it was his views on the Eucharist that eventually saw his teaching licence revoked in 1304, John is also known to have engaged with equally controversial topics in his 'defence' of several contentious teachings of his fellow Dominican Thomas Aquinas. Engaging with the work of Aquinas was an important component of the Dominican student's programme by the end of the thirteenth century. It is not clear, however, why John, in the year 1300, seemingly on his own initiative, produced a formal treatise on the advent of Antichrist.⁵

There are eight extant manuscripts of John of Paris's *Tractatus de Antichristo*, and a number of partial editions and abridgements.⁶ Based on the number of manuscript copies made during the fourteenth century alone, John's tract on the Antichrist was far more popular among his contemporaries than his *De potestate regia et papali*.⁷ Although reference to *De potestate* can be found in a large number of modern works relating to late medieval political theory, John's tract on the Antichrist has received little attention from scholars. Compared to the numerous modern editions and translations of *De potestate*, only one critical edition has been made of *Tractatus de Antichristo*.⁸ It may be that while *De potestate* is considered to be a particularly revolutionary approach to the relationship

³ Hinnebusch notes, however, that the career of a Dominican master of theology was in fact a very lengthy one, and delays in inception were not uncommon. He specifically discusses the career of William of Peter Godin who took twenty-five years from beginning his studies at Saint-Jacques in 1279 before his inception as a master in 1304. While the years of John's studies are still debated, this time frame could be equally applicable to him: Hinnebusch, *The History of the Dominican Order*, II, 62.

⁴ Martin, 'The Eucharistic Treatise'.

⁵ For John and Aquinas, see Griesbach, 'John of Paris'; Cunningham, 'The "Real Distinction"'.

⁶ John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 16.

⁷ Coleman, 'The Intellectual Milieu'; John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, pp. 1–23. Only one manuscript of the *De potestate regia et papali* survives from the first half of the fourteenth century. On the tract's fourteenth-century circulation and influence, see the essay by Lanza and Toste in this volume. On the diffusion of manuscripts as an indication of popularity, see Jones, *Eclipse of Empire?*, pp. 10–20. More generally, see Melville, 'Le problème des connaissances', pp. 22–23, 32.

⁸ John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark. The edition is accompanied by an English translation, from which citations will be made.

between Church and state, scholars have found little novelty in John's attitude toward the Antichrist. At the same time, it has not been clear what the tract represented in either the context of his career at the university or within his own order. As I will demonstrate, the tract is a testament to his far-reaching ambition in both arenas.

Invariably, John's *Tractatus de Antichristo* has been discussed by historians as a direct response to the controversy sparked by the late thirteenth-century treatise *De tempore adventus Antichristi* by Arnold of Villanova.⁹ Fascination with Arnold and his radical eschatology has tended to draw attention away from examination of John's tract in its own right.¹⁰ An indication of this trend is Sara Beth Peters Clark's view that it was John's 'penchant for controversy', rather than his interest in eschatological speculation, that provoked him to write.¹¹ What little is known about John's career supports Clark's claims. Yet despite its scholastic nature the tract seems to betray a certain preoccupation with the Last Things, a preoccupation that goes beyond a simple desire to engage with controversial topics.¹² At issue here is not that John wrote his tract as a response to Arnold but rather the purpose that he had in writing, his intended use for the tract and, importantly, whose attention he was trying to attract. Views on these questions are polarized in the historiography. Some have argued that John actually advocates Arnold's case; others that he provides an outright condemnation of it.¹³ More recently, historians have suggested that the tract generally adopts a median position between the radical implications of Arnold's tract and the hard-line position of the Paris theologians.¹⁴

Such a polarity of views among historians is not unusual in the study of John of Paris. The same uncertainties pervade analysis of both his approach to the works of Thomas Aquinas and also his *De potestate*. In the last twenty years, for

⁹ John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, pp. 7–12; Lerner, *The Powers of Prophecy*, pp. 63–68; Reeves, *The Influence of Prophecy*, pp. 314–17; Backman, 'The Reception of Arnau de Vilanova'.

¹⁰ On Arnold of Villanova and the radical elements of his eschatology, see Backman, 'Arnau de Vilanova'; Lerner, 'Writing and Resistance'.

¹¹ John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 7.

¹² Reeves, *The Influence of Prophecy*, p. 167.

¹³ For John's tract as an encouragement of Arnold of Villanova's ideas, see Pelster, 'Die Quaestio Heinrichs von Harclay', pp. 36–40; John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, pp. 10–12.

¹⁴ Reeves, *The Influence of Prophecy*, p. 315; Lerner, *The Powers of Prophecy*, p. 65; McGinn, *Antichrist: Two Thousand Years*, p. 167; Backman, 'The Reception of Arnau de Vilanova', p. 119.

example, Janet Coleman put forward a somewhat controversial thesis that John's *De potestate* was not written specifically for the conflict between the French king Philip IV the Fair (r. 1285–1314) and Pope Boniface VIII (r. 1294–1303) with which it has been traditionally associated.¹⁵ Instead she argues that it was conceived as a response to an intellectual dispute between John's Dominican order and the Franciscans on issues of Christ's royalty and poverty. This issue continued to be fiercely contested at the turn of the fourteenth century. Within this context, Coleman constructs John's milieu as distinctly, and very purposefully, Dominican. Compared with views that seem to suggest that John's adherence to his order was unpredictable to say the least, Coleman's thesis raises some interesting questions for the analysis of John's *Tractatus de Antichristo*.¹⁶ Namely, whose viewpoint did John aim to represent? Was John in fact an island in a sea of factional conflicts? What role did the Dominican order play in the construction of John's academic identity? And what role did he attribute to himself in writing the tract? By addressing these questions, this article offers a new contextualization of John's *Tractatus de Antichristo* as well as offering a broader and more clearly defined context to understand the numerous controversies in which John's career at the University of Paris was habitually entangled.

Arnold of Villanova and the Scholastic Environment

John of Paris's *Tractatus de Antichristo* was produced primarily as a response to the controversy sparked by the late thirteenth-century treatise *De tempore adventus Antichristi* by the layman and physician Arnold of Villanova.¹⁷ In the final decade of the thirteenth century Arnold had calculated the time of Antichrist's advent based on 'new' interpretations of Saint Augustine and numbers found in Chapter 12 of the book of Daniel. He presented these findings to the Theology Faculty at the University of Paris in 1300.¹⁸ Arnold's assertions produced an immediate response from the Paris masters. He was labelled a her-

¹⁵ Coleman, 'The Intellectual Milieu'; Coleman, *A History of Political Thought*, pp. 118–33.

¹⁶ Backman, for instance, argues that Villanova's main detractors were the Dominicans and that John placed himself between Arnold of Villanova and his own order, although Backman does not mention that John was in fact a Dominican: Backman, 'The Reception of Arnau de Vilanova', p. 119; see also Backman, 'Arnau de Vilanova and the Body', pp. 143–45.

¹⁷ Extracts of Arnold of Villanova's tract appear in Arnold of Villanova, 'Der tractatus', ed. by Finke.

¹⁸ For the revision of this date from 1299, see McVaugh, 'Arnaud de Vilanova'.

etic, his tract was quickly condemned, and he was also imprisoned for a time.¹⁹ The public reason for Arnold's condemnation was the strenuous objection by the Paris masters to the idea that the time and date of Antichrist's arrival, and consequently the end of the world, could be determined.

At the beginning of the fourteenth century scholastic theologians, publicly at least, still held fast to the stipulations of Saint Augustine, who firmly rejected attempts to calculate the time of Antichrist.²⁰ As a direct reaction to the ideas in Arnold's writing, John's own tract seems to confirm the public position adopted by the Paris masters by emphasizing many times that the time and date of Antichrist's advent could not be known with any certainty. Nevertheless this issue is somewhat complicated by the fact that John puts forward his own time frame, which corresponds to that presented by Arnold. On this point, some scholars have gone so far as to suggest that John wrote his tract in support of Arnold's propositions when the layman had ventured to the papal court in order to dispute his treatment by the Paris masters. Gaining more currency in recent scholarship is the idea that John in fact adopted a median position between Arnold and the worst of his detractors at Paris.²¹ Robert Lerner suggests that John's tract is best seen as a scholastic 'correction' of the primarily biblically derived analysis found in Arnold's writing. He argues that while Arnold tried to play it safe by restricting his analysis to scripture and the Church Fathers in order to make his ideas more palatable to the Theology Faculty, John's tract, with its use of natural philosophy and astrological calculations, was far more radical by comparison.²²

There is little doubt that John's tract on the Antichrist is a testament to the scholastic mentality, methodology, and technique that dominated theological enquiry at the turn of the fourteenth century. John's tract has a logical tripartite structure, which methodically analyses the information on the time of Antichrist and Christ's Second Coming that could be ascertained from scripture, authoritative prophets, and natural philosophy. Compared with the decidedly harsher response to the controversy by the Chancellor of the University

¹⁹ For the time frame and basic overview, see Whalen, *Dominion of God*, pp. 212–14. For more in-depth analyses of Arnold of Villanova's ideas, see Lee, 'Scrutamini Scripturas'; Backman, 'The Reception of Arnau de Vilanova'.

²⁰ Augustine of Hippo, *The City of God*, VI, ed. and trans. by Greene, bk. xx, c. 9, pp. 304–17.

²¹ Reeves, *The Influence of Prophecy*, p. 315; Lerner, *The Powers of Prophecy*, pp. 63–72; Backman, 'The Reception of Arnau de Vilanova', p. 119.

²² Lerner, *The Powers of Prophecy*, p. 65.

of Oxford, Henry of Harclay, John's tract presents a measured compromise between Arnold and the hard-line orthodoxy of the Paris masters.²³ At first glance the tract seems to confirm Lerner's suggestion that John, by differentiating between speculation and certainty, attempted to correct Arnold's work. A deeper look at both John's approach and his authorial choices and interventions suggests, however, that there were much more entrenched issues at stake than just those immediately raised by Arnold. John's ultimate ambitions as a theologian, and the variety of responses that he aimed to provoke in his audience, also play a large role in both the construction of his text and the ways in which he approaches his material.

John begins his tract in a completely orthodox fashion.²⁴ After introducing himself as a Dominican writing in the year 1300 John quotes from Chapter 12 of the book of Daniel: 'Many shall pass over and knowledge shall be manifold'. He expands on this a few lines below, adding his own comments to clarify his interpretation of the biblical passages:

'Many shall pass over, and knowledge', that is, interpretation, 'shall be manifold'; and although 'the words are shut up and sealed until the appointed time', nevertheless it is added that 'the learned shall understand'. And therefore, although I am 'neither a prophet nor the son of a prophet' I wish to recall briefly [...] conjectures concerning the future time of the Antichrist and the end of the world without any assertion and without a precise determination of the specific day, hour, or year.²⁵

John's particular stress on Daniel 12, and the way in which he develops the ideologies by which the passage is underpinned, is important for several reasons. Firstly, the emphasis that he places on the phrase 'the learned shall understand' is an adamant statement of his authority as a theologian. The passage had long been used as a justification for speculation on Last Things. Its employment by John recalls Richard of Saint-Victor's use of Daniel over a century earlier as an

²³ See Reeves, *The Influence of Prophecy*, pp. 314–17. For Harclay's response, see Pelster, 'Die Quaestio Heinrichs von Harclay'.

²⁴ Reeves, *The Influence of Prophecy*, p. 167.

²⁵ 'Pertransibunt plurimi et multiplex erit scientia, id est, exposition. Et quamvis sermones sint clause signatique usque ad tempus prefinium, tamen subiungitur quod docti intelligent. Et ideo licet non sim propheta nec filius prophete [Daniel 12: 4–9], tamen recolligere sub brevitate volo testimonia eorum qui spiritum prophetie accepisse dicuntur et recolligere humanas coniecturas de futuro tempore Antichristo et fine mundi sine omni assercione et sine singularis diei, hore, vel anni precixa determinione': John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 24; English translation, pp. 70–71.

eager invitation for scholars to undertake independent enquiry, to revisit what the 'fathers have left untouched and to make known the fruits of their research'.²⁶ Consequently, John places his tract firmly in the tradition of the schoolmen. This simultaneously endorses his use of scholastic methodology and provides a basis in authority for his text. The emphasis that is placed on the phrase 'the learned shall understand' does more than just establish John's authority in writing the tract. Coupled with his claim that he is 'neither a prophet nor the son of a prophet' it discreetly destabilizes the entire authoritative basis upon which Arnold had built his own eschatological viewpoint.

The opening passages of Arnold's treatise presented a direct challenge not only to the theological learning of the Parisian academics but also to the role that they had in educating Christendom. Speculations concerning Antichrist had taken on an increasingly social and political dimension from the twelfth century.²⁷ Yet, at least in the first redaction of his text,²⁸ even as a layman who played an important social and political role for his 'employers', Arnold seemed to assume the role of a privileged interpreter.²⁹ The language that he employs carries overt biblical overtones, and he, at times, also experiments with the language of a divinely inspired prophet. He claims that he is one of God's 'watchmen', who, with divine inspiration, has an important role to warn the ignorant of future perils.³⁰ Arnold's message is not the result of years of theological training or the product of meticulous scholastic learning but one of a 'divinely guided' reading of the *divina pagina*.³¹ By 1300, the masters of Theology were particularly protective of their status and role in the explication of truth and in the dis-

²⁶ Richard of Saint-Victor, cited in Smalley, *The Study of the Bible*, pp. 108–09.

²⁷ For the socio-political dimensions of Antichrist speculation, see Cohn, *The Pursuit of the Millennium*; Emerson, *Antichrist in the Middle Ages*; McGinn, *Antichrist: Two Thousand Years*. For the development of Arnold of Villanova's thought as social and political commentary, see Backman, 'Arnau de Vilanova and the Body', p. 145.

²⁸ Arnold of Villanova revised the treatise several times after its complete rejection by the Paris masters: Lee, 'Scrutamine Scripturas'.

²⁹ For the development of the authority upon which Arnold relied, see Lerner, 'Ecstatic Dissent'. See also Ziegler, *Medicine and Religion c. 1300*.

³⁰ 'Providet [...] divina paternitas populo suo de speculatoribus ideo, ne per ignorantium insutus futuri periret [...] peculator, in quantum previdet futuras perplexitates, tuba dicitur, in quantum efficaciter eas notificat, sicque corda sompnolentorum aut torpentium evigilantur': Arnold of Villanova, 'Der tractatus', ed. by Finke, pp. cxxx–cxxx.

³¹ Arnold of Villanova, 'Der tractatus', ed. by Finke, p. cxxx.

tribution of knowledge and the defence of truth against possible heresy.³² This role was formed not only as a reaction to increasing fears regarding the spread of heretical ideas among the laity, but as a result of conflicts within the university itself throughout the thirteenth century. By adopting a distinctly religious language, Arnold attempted to circumvent the years of theological training embodied by the Paris masters and to construct a role for himself in the dissemination of eschatological knowledge to the 'ignorant' masses. The Dominicans especially would have been troubled by Arnold as they had banned medical study under pain of excommunication in order to ensure that students studied theology. He also ignored the inbuilt deterrent to non-theologians who would dabble in eschatological speculation found in Daniel 12. 9. As John quotes: 'the learned shall understand' the signs of the Apocalypse.³³ In the minds of the university theologians 'learned' applied only to them. As a layman and also a physician, Arnold's declaration of the source of his knowledge and the special role that he attempted to cultivate for himself would have appeared to carry subversive undertones to the academics at Paris.³⁴

The position that John adopts in his tract, or rather the authority to which he lays claim, is not only one of a learned 'university' theologian but more specifically reflects the public strategy that the Dominican order adopted when dealing with eschatological knowledge. The conflicts that plagued the university throughout the thirteenth century impacted greatly on Dominican identity. In fact, in one sense, 'Dominican identity' was only really constructed — or rather revealed — in the wake of numerous conflicts and controversies that occurred during the thirteenth century. One clash in particular provided the direct background against which John's role as an eschatological speculator was informed. At the same time this conflict can be seen to constrain significantly his presentation of certain eschatological and prophetic material in the tract. Between 1250 and 1260 the mendicant masters at Paris were embroiled in a complex dispute with their secular counterparts over a number of issues relating to the mendicants' 'intellectual and pastoral activities' and their increasing power within the university.³⁵ This crisis intensified in 1255 when a young

³² Wei, 'The Self-image of the Masters', p. 414; Wei, 'The Masters of Theology'.

³³ 'docti intelligent': John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 24; English translation, p. 70.

³⁴ McLaughlin, *Intellectual Freedom*, pp. 174–75; Bennett, *The Early Dominicans*, p. 61.

³⁵ Douie, *The Conflict Between the Seculars*, p. 4; McKeon, 'The Status of the University of Paris'.

Franciscan named Gerard of Borgo San Donnino set off a series of events that would not only culminate in an internal division within the Franciscan order but also polarize the positions adopted by the Dominicans and the Franciscans with regard to crucial issues such as poverty and the learning and interpretation of eschatological knowledge.

Gerard, without the authorization of his order, published an introduction to three tracts of the late twelfth-century Calabrian abbot Joachim of Fiore.³⁶ Although several of his commentaries on Peter Lombard's *Sentences* had been condemned at the Fourth Lateran Council (1215), by the middle of the thirteenth century Joachim had a considerable reputation as a biblical exegete and prophet of the End Times. While Joachim's influence was vast and complex, it principally revolved around his concepts of the Third Status and the *viri spirituales*. Joachim conceived of history as being divided by three overlapping statuses correspondingly assigned to the Father, the Son, and the Holy Spirit. The Third Status would witness the culmination of human potential after the destruction of Antichrist. To lead humanity through the tribulations associated with Antichrist and into this Third Status Joachim prophesized the coming of two new orders. At the beginning of the thirteenth century, many, especially within their own ranks, believed that this prophecy had been fulfilled by the establishment of the Franciscan and Dominican orders.³⁷ Gerard of Borgo San Donnino, however, pushed some of Joachim's concepts to their most radical extreme to suggest that the authorities and institutions of the Old and New Testaments, which Joachim had maintained would survive Antichrist's tribulations, would be overthrown completely in the new age: the Church would be superseded by the New Order of the *viri spirituales*, and a new testament made up of Joachim's works would replace the two former testaments.³⁸ Gerard's radical eschatology provoked immediate reactions in both the mendicant and secular camps. William of Saint-Amour, the nominal leader of the secular masters, quickly subverted Gerard's understanding of Joachite thought in order to portray the

³⁶ Daniel, 'Exodus and Exile', p. 130. On the scandal of the Eternal Evangel, see Reeves, *The Influence of Prophecy*, pp. 59–70. Also McLaughlin, *Intellectual Freedom*, pp. 186–89. On Gerard's beliefs and condemnation, see Denifle, 'Das Evangelium aeternum'.

³⁷ For useful introductions to and overviews of Joachim, his writing, and his thought, see McGinn, *Apocalyptic Spirituality*, pp. 97–148; West and Zimdara-Swartz, *Joachim of Fiore*; Reeves, *Joachim of Fiore*.

³⁸ Daniel, 'Exodus and Exile', pp. 130–31; McGinn, *Antichrist: Two Thousand Years*, pp. 157–59.

mendicant orders as part of Antichrist's forces.³⁹ In an attempt to defend their authority against the secular onslaught, both the Franciscan and Dominican orders quickly instituted new censorship rules,⁴⁰ and the two heads of the orders issued a joint encyclical.⁴¹ In this, the minister general John of Parma and the master general Humbert of Romans sought to disassociate their orders from Gerard's radical suggestions. They nevertheless still employed Joachite imagery of the new spiritual men in order to provide a common basis of authority from which to defend the purpose and mission of the mendicant orders against their detractors. In writing the encyclical they aimed to prove that the orders were divinely sanctioned and that the salvation of Christendom in the Last Days could not be achieved without them.

After the official condemnation of Joachim's writings during the 1260s, the leading theologians of the Dominican and Franciscan orders diverged in their approval and use of Joachim's prophecies. The new minister general of the Franciscan order, Bonaventure, continued to incorporate the characteristics of Joachim's new order of spiritual men into his notions of Franciscan authority.⁴² In contrast, the Dominican Thomas Aquinas purposefully sought to disassociate his order from Joachim's prophecies in his defence of mendicant authority during the conflict with the seculars. In his hands, Dominican authority became almost exclusively based upon learning and the application of scholastic techniques to theology rather than on any prophetic notions.⁴³ Between 1256 and 1270 Aquinas clarified the Dominican position on eschatology. He re-emphasized the Augustinian tradition regarding the uncertainty of the End Times, demolished Joachim's Trinitarian pattern of history, and inextricably entwined Dominican authority with scholastic methodology at the expense of speculation concerning the Dominicans' eschatological purpose. While there were a few exceptions in the second half of the thirteenth century, the Dominicans largely eschewed the charismatic and prophetic authority inspired by Joachim in accordance with Aquinas's directives.⁴⁴

³⁹ Dufeil, *Guillaume de Saint-Amour*.

⁴⁰ McLaughlin, *Intellectual Freedom*, p. 30.

⁴¹ Wadding, *Annales minorum seu trium ordinum a S. Francisco institutorum*, pp. 380–81; partially translated in McGinn, *Visions of the End*, pp. 164–65.

⁴² McGinn, 'The Abbot and the Doctors'. See also Ratzinger, *The Theology of History in St. Bonaventure*, trans. by Hayes.

⁴³ McGinn, 'The Abbot and the Doctors', pp. 37–41.

⁴⁴ For Joachim and the Dominican order, see Reeves, *The Influence of Prophecy*, pp. 161–74.

The Dominican approach to eschatological knowledge and authority evolved through a series of controversial engagements with the secular masters at Paris and also in response to radical notions circulating within the Franciscan order. By the time John of Paris wrote his tract, scholasticism had generally usurped the relevance and influence of spontaneous (unauthorized) prophetic intelligence in the collective Dominican mindset. The tension created by the shift is echoed in the passages which frame the main body of John of Paris's eschatological speculations. In this respect, John contrasts Arnold's claims of divine revelation with his own institutional learning in more direct terms at the end of his tract. He states that learning does not equate to foreknowledge; the Bible distinctly states that no one will know until the predetermined time. He specifies that without sanctioned theological training self-appointed prophets lack the wisdom and judgement to know whether their knowledge has been revealed to them by God or an 'angel of Satan'. John also suggests that Arnold 'corrupts' the sources he has employed in the construction of his tract, labelling Arnold's claims of 'revelation' an invention.⁴⁵ John here challenges the nature or rather the source of Arnold's knowledge and that of other laymen who presumed to write on theological matters in the late thirteenth century. He contrasts their unauthorized knowledge with his own learning, which is a carefully and artfully constructed analysis of the evidence of the chronology of Antichrist and Christ's Second Coming from scripture, prophecy, and natural philosophy. All of which, he claims, he has laid out in a clear and precise manner in the pages of his tract. John's suggestion, both open and implied, is that while divine revelation can occur, and did have a certain merit as a basis of authority, it must be subjected to rigorous scrutiny and must be supported by the knowledge gained from 'proper' learning and the use of a scholastic, officially authorized approach to texts, both of which are the domain of the university theologian alone.

The application of these sorts of scholastically inspired restrictions on a lay attempt to access the authority that association with divine revelation can produce has been used to support the argument that John's work can be thought

⁴⁵ 'Quandoque enim homines increduli vel vani libros sanctorum corrumpunt, vel his apponunt, vel eorum titulo ascribunt, interdum etiam divinis oraculis acceptum fingunt quod proprio suo spiritu confinxerunt [...]. Quandoque etiam angelus Sathane se transfigurant in angelum lucis, hominibus etiam sanctis revelationem de multis veritatibus faciens inter qua stamen immiscet aliquas falsitates. Quod ideo facit ut saltem gloria revelationis inaniter sanctos extollat vel ut falsis opinionibus faciat adherere, propter quod opus est discernere spiritus si ex Deo sunt': John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, pp. 121–26.

of as a compromise with Arnold's.⁴⁶ Yet, while John's wording and overall argument is relatively non-confrontational and unaggressive, 'compromise' does not quite go far enough to reflect the underlying issues that informed John's response. Taking a closer look at John's efforts reveals that by addressing Arnold's methods and authority, and posing a juxtaposition between the layman's claim to charismatic authority and his own institutional method, John's tract reflects the Church's and university's struggles to control the nature and source of eschatological knowledge in the late thirteenth and early fourteenth centuries. Just as Thomas Aquinas refuted the subversive elements of Joachite thought through meticulous scholastic scholarship, so too does John subject Arnold's tract to the same scrutiny. He thereby condemned Arnold as an eschatological spectator and reconfigured his message through the language and authority of the university.

Prophecy and Dominican Identity

The passages which frame John of Paris's own eschatological 'calculations' provide the clearest and most noticeable indication of his intent and approach. Through his repeated exclamations against Arnold's certainty, there is a distinct image of John as a Dominican scholastic upholding the Augustinian notion regarding the uncertain nature of eschatological speculation. He claimed authority for himself and his writings by adopting a scholastic approach in his response to both the content of Arnold's text and the broader issues of control and censorship that John simultaneously confronted. John's fastidious adherence to scholastic reasoning, however, has served to complicate the question of whether or not the tract actually represented his own eschatological beliefs. As Marjorie Reeves has noted, John's tract betrays a preoccupation with Last Things that seems to be at odds with his identity as a Dominican scholar, or at least the type of Dominican scholar defined by Aquinas.⁴⁷ Indeed Clark, the modern editor of John's tract, argues that his eschatological viewpoint is in fact completely concealed by his strict adherence to scholastic methodology, and with it the use of compilation.⁴⁸

The practice of compilation began with a move towards a more methodical and logical organization of the knowledge gained from ancient authors in

⁴⁶ Lerner, *The Powers of Prophecy*, p. 65; Backman, 'The Reception of Arnau de Vilanova', p. 119.

⁴⁷ Reeves, *The Influence of Prophecy*, p. 167.

⁴⁸ John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, pp. 156–59.

the thirteenth century.⁴⁹ ‘Compilations,’ as Alistair Minnis describes, ‘with their various methods of subdividing and organising material and their elaborate systems of cross-referencing, presented excerpts from important works in a convenient and pre-digested way.’⁵⁰ *Compilatio* was, in the words of Malcolm Parkes, ‘a form of writing’ and ‘a means of making material accessible.’⁵¹ Encyclopaedic works such as Vincent of Beauvais’s *Speculum maius* were produced for specific purposes, one of which was to provide succinct information and excerpts for use by theologians, preachers, and scholars such as John.⁵² Compilations also offered to the theologian or the preacher a useful resource to be able to construct texts or sermons with speed, since sometimes, as in John’s case, the writers did not have enough time to consult each original authority individually. As well as constructing accessible reference books, compilers such as Vincent of Beauvais prided themselves on the excellence of their technical efforts and skills that limited the chances of reproducing or causing new corruptions to texts. The effectiveness and success of compilation texts meant that those writers or preachers who utilized them as research tools or source-bases for their own literary productions often also reproduced compilation techniques in their own work. Eventually compilation techniques came to pervade a variety of different genres of medieval writing.

Clark identifies John’s use of compilation techniques as the primary factor that produced what she reads as a basically ‘unoriginal’ text. She argues that since the majority of the material that John includes in his tract is taken directly from other sources, such as Roger Bacon’s *Opus maius* and Vincent’s *Speculum maius*, it does not provide a tangible representation of his own beliefs.⁵³ His reliance on compilation, however, does not mean that John had no experience or understanding of the original sources. He was nearing the end of a lengthy period of both study and teaching, and his own extensive textual production illustrates his wide-ranging familiarity with a vast variety of sources and authorities. Clark’s misunderstanding seems to stem mainly from a miscalculation of the ideological component present in the compilation process. The process of compilation was far from lacking in originality with regard to the selection and

⁴⁹ Minnis, ‘Late-Medieval Discussions’. See also Guenée, ‘Lo storico e la compilazione’.

⁵⁰ Minnis, ‘Late-Medieval Discussions’, pp. 386–87.

⁵¹ Parkes, ‘The Influence of the Concepts’, p. 127.

⁵² For John’s use of compilations in his *De potestate*, and Vincent’s approach to compilation in the *Speculum historiale* in particular, see the preceding essay by Jones in this volume.

⁵³ John Quidort of Paris, ‘The *Tractatus de Antichristo*’, ed. and trans. by Clark, pp. 156–59.

arrangement of material and approach to sources.⁵⁴ Neither Vincent's nor John's works are haphazardly pieced together from other sources as Clark's assertion would seem to suggest. While a lot of the material that John uses is indeed drawn from Vincent's text, John was, as Chris Jones argues elsewhere in this volume with regard to *De potestate regia et papali*, extremely selective in the material he used. As a result, traces of John's eschatological beliefs or attitude towards eschatological knowledge can still be detected not only in the material that he selected but also in the process of compilation. One section of John's tract, in which he assembles the testimony of Church-sanctioned prophets, is particularly interesting in this regard. This reveals the ideological element in the compilation process not only in John's choice of 'prophets' but also in his treatment of the messages contained within the particular prophecies.

As well as speculating on the time of the Apocalypse, the prophecies that John includes in this section of his tract can equally be construed as 'political' prophecy. In this sense, they also have an underlying social or political message, one which originated from — or was directed towards — events or tensions that were occurring at the time that the author or copyists wrote.⁵⁵ Lesley Coote argues that from a socio-political perspective, 'political prophecy is not really about predicting the future at all'; it projects 'past and present events into the future, but in such a way that the reader understands that it is the present which is really being discussed'.⁵⁶ Consequently, the audience for the texts in which political prophecy appeared is of paramount importance to understanding both the context and meaning of the prophecy as socio-political and apocalyptic commentary. The discussion thus far has positioned Arnold as the primary audience for John's tract. John, from the standpoint of the university theologian, systematically undermined Arnold's methods, techniques, and authority. However, if John's tract was simply an academic exercise designed only to attempt to regain control of the source and dissemination of eschatological knowledge from lay hands, then John's discussion of prophecy, and largely political prophecy at that, is somewhat interesting.

John did not need to go beyond a discussion of biblical prophecy to adequately respond to Arnold's tract. In the version of the paper presented to the

⁵⁴ McCarthy, *The Humanistic Emphases*, pp. 9–11. See also Minnis, 'Late-Medieval Discussions'; Hathaway, 'Compilatio'.

⁵⁵ For a recent methodological definition of political prophecy, see Coote, *Prophecy and Public Affairs*, pp. 13–42.

⁵⁶ Coote, *Prophecy and Public Affairs*, p. 37.

Theology Faculty, as Robert Lerner discussed, Arnold restricted his discussion only to the theologically 'safe' ground of the Bible and fully authorized Church Fathers, such as Saint Augustine. By using political prophecy John actually propels his discussion from a purely academic context into the public sphere. In so doing it seems that John hoped to engage a wider audience beyond just those involved in the controversy sparked by Arnold. Analysing both the narrative and intellectual functions of the prophecies and the ways in which John attempts to manipulate their meaning through the techniques of compilation sheds greater light onto his overall purpose and intention in writing.

During the section in which he discusses the calculations that can be made from prophecy, John manages to influence some likely responses and understandings of the included material through selection, structure, and his own brief comments. The 'prophets' that he uses range from King Edward the Confessor (r. 1042–66), Hildegard of Bingen (d. 1179), and Joachim of Fiore to an anonymous Cistercian, Virgil, the Cumean Sybil, and the Pseudo-Methodius.⁵⁷ John begins the section with the prophecy of the Seven Sleepers, attributed, in the later Middle Ages, to Edward the Confessor. The legend of the Seven Sleepers was used widely in both western and Islamic apocalyptic traditions.⁵⁸ The prophecy seemed to pinpoint a specific time and space in its inclusion of a precise year for the advent of Antichrist and seventy-four years for apocalyptic tribulations. Yet as 'political' commentary its very general description of 'tribulations' meant, as John himself notes, that it could be applied to almost any context.⁵⁹ There seems to be a great distinction between its apocalyptic and its political functions. Politically speaking, it described public affairs in the present, while its apocalyptic undertones maintained a focus on the future. In John's case his usage of the prophecy is relatively benign. He uses it as a general indication of the tribulations of Antichrist, to set the stage so to speak. It is not dependant on historical events; in fact John deliberately deletes from his source, Vincent of Beauvais, the lines that 'foretold' the deaths of a series of popes. It may be that John cut out these 'specific' events to avoid the wrath of the Augustinian-minded academics who shunned the predictive quality of prophecy. Nevertheless, in removing the 'political' connotations he actually

⁵⁷ John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, pp. 85–97.

⁵⁸ See for example Brown, 'The Apocalypse of Islam'.

⁵⁹ On the Edward the Confessor prophecy in a narrative context, see Otter, 'Prolixitas Temporum', p. 54. Thank you to Dr Matthew Gabriele, Virginia Tech University, Blacksburg, VA, for bringing this to my attention.

keeps his discussion orientated towards the future. By comparison, Vincent did not include the prophecy in the final section of the *Speculum historiale* in which he dealt solely with Last Things.⁶⁰ Vincent used it in a predominantly political sense, by including it in the 'chronicle' component of his work. He employed the prophecy as a narrative strategy to place the historical events that surround it within an apocalyptic context and to indicate to his audience that Antichrist's arrival was imminent.

John's apparent refusal to embed his calculations within a firm historical context is developed further by his inclusion of Hildegard of Bingen. Hildegard's conception of the 'womanish time' was closely aligned with political prophecy as it was firmly embedded in the socio-political events at the time at which it was written. She called for the moral reform of the clergy and interpreted the perceived weaknesses and deterioration of her own time as the first of five periods before the End.⁶¹ It was linked strongly with the instability of the political situation in the German lands of the Empire as conflicting notions of religious and secular power collided, and reflected the messages of the eleventh-century reform movement against worldliness.⁶² The passage from Hildegard that John inserts is this time taken from the section on Last Things in Vincent's *Speculum historiale*.⁶³ The prophecy itself is ambiguous and general, although in common with the Edward the Confessor prophecy, it does attempt to set a precise time limit. It works in tandem with the previous prophecy to provide a loose temporal context that could be applied to any number of historical periods. Again John avoids attempting to historicize the prophecy, placing the responsibility for interpretation on his audience. He asks them to consider the truth of the prophecy very carefully, suggesting that the historical indicators could well be misunderstood.⁶⁴

John's comments regarding the ambiguity and potential for misunderstandings of Hildegard's prophecy are likely to be very deliberate. They seem to be

⁶⁰ 'Epilogus specula historialis continens tractatum de ultimis temporibus': Vincent of Beauvais, *Speculum historiale*, ed. by the Benedictines of Saint-Vaast, bk. xxxi, c. 106–29, pp. 1323–32. For the Edward prophecy, see bk. xxv, c. 20, p. 1009.

⁶¹ McGinn, 'Apocalypticism and Church Reform'.

⁶² Hildegard of Bingen, *The Letters*, trans. by Baird and Ehrman, I, 13.

⁶³ For the content, composition, and manuscript tradition of the final book of the *Speculum historiale*, see Albrecht, 'Epilogus specula historialis'.

⁶⁴ 'Quomodo etiam istud habeat veritatem pro tempore quo ipso predixit, quilibet dilligencius et attentius consideret': John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 39.

designed to produce, or rather to manipulate, a specific response from his audience. The aspects of Hildegard's concept of 'womanish time' that were integrally linked with heresy and schism had been exploited during the secular-mendicant dispute: they were used forcefully as a weapon against the Dominican order in particular. In a letter to the clergy of Cologne, Hildegard had predicted a group of heretics, 'feigning piety and extreme asceticism, living a life of poverty and mendicancy', something that seemed to be fulfilled with the arrival of the Dominican order in the city in 1220.⁶⁵ Drawing on this association, William of Saint-Amour helped to keep Hildegard's prophecies popular in his anti-mendicant diatribe in the mid-thirteenth century.⁶⁶ Kirby-Fulton concludes that William 'had scored a propaganda victory and created a mythopoeic construct which was to thrive for decades to come'.⁶⁷ The strong association of Hildegard with anti-Dominican sentiment, however, has some interesting and somewhat perplexing implications for the proposition that John revealed his Dominican identity through his writing. It is unlikely that by 1300 the prophecy had lost its appeal to mendicant detractors, and the connection almost certainly would have been understood by John's academic audience. John uses very generalized statements to disengage the prophecy from the political and historical narratives with which it was associated, clearly stating that it is difficult to define what Hildegard meant by 'womanish time'.⁶⁸ By emphasizing the historical ambiguity of the prophecy, John keeps the prophecy in the future: the false order is yet to come. In this case, the expectations of John's academic audience that the time of the Apocalypse is unknowable work in his favour. He is able to support this point of view while simultaneously redirecting attention from the anti-Dominican sentiment with which the prophecy was associated.

While John's comments preserve the general and uncertain nature of the prophecy, it seems that in the process of stripping away the negative ideological and historical connotations, which can be seen in his treatment of Hildegard's womanish time, he was drawing on a Dominican tradition established in compilation histories such as Vincent's *Speculum historiale*. John was not merely 'cutting' the extract from Vincent or 'copying' his approach, but was actually engaging in practices that were fundamentally connected to the development

⁶⁵ Kirby-Fulton, 'Hildegard of Bingen', p. 388.

⁶⁶ Szittyá, *The Antifraternal Tradition*, pp. 11–61.

⁶⁷ Kirby-Fulton, 'Hildegard of Bingen', p. 394.

⁶⁸ John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 38; English translation, p. 88.

of Dominican identity. Even though Vincent of Beauvais's compilation-history has been often seen as bland and somewhat aimless in its relationship to the construction of a group-consciousness that could be considered 'Dominican', the editing process — the additions, deletions, and insertions — is in itself extremely significant.⁶⁹ The practices and performance of compilation helped to construct and express Dominican identity as it was shaped against numerous conflicts in the thirteenth century. Hildegard's prophecy, as it takes shape firstly through Vincent and then John, is therefore actively reappropriated from its negative use during the secular-mendicant dispute. This was achieved through the technique and skill of the compiler. Rather than viewing compilation as something bland and devoid of ideological meaning, as Clark's argument supposes, it was integrally linked to the articulation of Dominican identity. Compilations can be 'read' in much the same way as texts composed by single authors, in the sense that the editing process can say as much as direct authorial comments. The writer was motivated by specific ideological intentions and objectives in their selection and treatment of extracts, even in their use of well-known and well-used prophecies. John, as a compiler and copier, was at all times heavily engaged in the construction of his text: intentionally placed and worded comments, strategic additions, and deletions all provide evidence that he was also actively involved in trying to shape what his audience would take away from the text.

Emphasis on John's methods in constructing his text suggest that his intended audience extended beyond those involved in the condemnation of Arnold of Villanova. I would argue that as well as providing an opportunity for John to demonstrate his theological knowledge and training, it also gave him a chance to engage with and develop his ideas about Dominican identity. John's decision to include a prophecy by Joachim of Fiore, whose works had been condemned during the secular-mendicant dispute, could be construed as potentially subversive especially among his university audience. Deliberating on his inclusion of the prophet, Pelster concluded that John in fact supported Arnold by writing his tract, basing his case on their shared presence in late medieval editions of Joachite works.⁷⁰ While the paper that Arnold delivered in 1300 did not betray an overt Joachite sentiment, his later works reveal significant approval of the more radical aspects of Joachite thought. John's nomination of Joachim as an

⁶⁹ Vanderputten, 'Typology of Medieval Historiography Reconsidered', p. 150.

⁷⁰ For the tract's inclusion in several later medieval editions of Joachite works, see Reeves, *The Influence of Prophecy*, p. 329, n. 1, p. 345, p. 488, nn. 9, 11.

authorized prophet combined with the tract's later association with Joachite works has meant that occasionally John, along with Arnold, has been labelled a Joachite sympathizer by modern scholars. Of course this image conflicts greatly with the public image of the Dominican order as Augustinian-minded intellectuals who generally rejected millenarian beliefs.

Following Aquinas's condemnation of the Calabrian abbot, it was difficult to retain a place for Joachim in mainstream Dominican thought. Reeves suggests, however, that John's inclusion of him as a major prophet of Antichrist provides evidence to show that Joachim's prophecy of the *virī spirituales* still played at least a peripheral (and often unspoken) role in Dominican eschatological expectations in general.⁷¹ In contrast, Clark draws a distinction between John's apparent 'Joachimist sympathies' and his 'reliance on the works of others', voicing significant doubts as to whether he had actually read Joachim himself. Clark concludes that identifying Vincent as John's source for this Joachite material undermines Reeves's argument that John was personally influenced by the works of the controversial abbot.⁷² Shifting focus from the deed of compilation to the processes involved revives the debate somewhat. John's treatment of Joachim shows that, despite Aquinas's censure of Joachim and the latter's condemnation at the Council of Arles (1263), the Joachite legacy still survived in the Dominican mentality. Equally, it provides a good way of exploring the extent to which the eschatological speculations of John's order influenced his conception of his own role and identity as a Dominican theologian.

The Joachite prophecy that John includes is placed before the prophecy of Hildegard in Vincent's discussion of Last Things. John, however, rearranged the order of the two extracts in his own tract. I would argue that this very minor detail actually impacts on the development of his argument. Not only does it place the prophecies in chronological order, but it also works as a kind of narrative device to help John move beyond the generality of the preceding two prophecies into a more specific and thus ideologically loaded space, one that was highly subversive both academically and politically. Arnold, in the version of his tract presented to the Paris theologians, very deliberately avoided specific reference to the controversial prophecies of Joachim of Fiore. Yet importantly, as Harold Lee has shown, a Joachite pattern of history nevertheless permeated

⁷¹ Reeves, *The Influence of Prophecy*, p. 167.

⁷² John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, pp. 155–60, n. 409.

his text.⁷³ The Joachite themes in Arnold's tract must have immediately recalled several controversies not only to the secular masters at Paris but also to the mendicants themselves. This would account for the speed with which both the secular and mendicant masters responded to Arnold's tract. Condemnation of several of Joachim's concepts occurred during the thirteenth century because of the extreme and fanatical ways in which they were developed by his followers. In particular, the 'Scandal of the Eternal Evangel', involving Gerard of Borgo San Donnino, had caused the Abbot's Trinitarian pattern of history to be condemned in 1263.⁷⁴ In the early 1280s an investigation was also undertaken into the works of the Franciscan Peter John Olivi, due to concern over the ways in which his Joachite eschatology might be exploited by his followers. Both of these men had centred their ideas of mendicant authority in Joachim's prophecy of the two orders. The themes for which those two Franciscan eschatological thinkers were attacked play a prominent role in the extract that John selected.⁷⁵ While not originally intended to provide commentary on the public sphere, the ways in which the prophecy was approached, interpreted, and put to use during the thirteenth century meant that it had developed into a highly political and highly subversive extract. It attacked not only the institution of the Church but also the authority of the university masters. Consequently, more so than any of the other inclusions, the Joachite prophecy places John's discussion in a controversial position and obscures the issue of the audience at whom his tract was aimed.

In contrast to the preceding political prophecies, the particular Joachite prophecy selected by John does not provide a temporal context to the advent of Antichrist or his tribulations. Placed near the middle of John's tract, the passage provides a thematic link between the expressions of scholastic Dominican identity and authority that can be found at the beginning and end:

It is necessary that such [men] preach and lament the very ruin of the Church, to whom both voluntary poverty should be pleasing, and for whom purity of spiritual doctrine and life should present no obstacle in the hardships of future tribulation. Therefore such doctors and such prophets must be sent to dumbfound and not flatter not only inferior men but also the bishops and the prelates themselves. The doc-

⁷³ Lee, 'Scrutamini Scripturas'.

⁷⁴ Reeves, *The Influence of Prophecy*, pp. 59–70.

⁷⁵ For Joachite themes in Gerard of Borgo San Donnino and Peter John Olivi, see McGinn, 'Angel Pope and Papal Antichrist', p. 162, n. 23; West, 'Medieval Ideas of Apocalyptic Mission'; McGinn, *Antichrist: Two Thousand Years*, pp. 157–66.

tors and faithful preachers must surely be revealed next in order to strike earthly and carnal hearts with every blow, and by their studies silence should be imposed on the proud and arrogant masters.⁷⁶

The emphasis on the studies and learning of the doctors found in the Joachite passage fits in neatly with the basis of Dominican scholastic authority that John attempts to portray throughout the tract. By stressing the knowledge and the purity of doctrine of the new order, John asserts himself as a leading scholar who, along with the other 'such doctors', is dedicated to the university's mission to control the source and dissemination of eschatological knowledge. In this construction, Arnold, therefore, is counted among the 'inferior men'. Yet by using the prophecy at all, John placed himself in a predicament with his academic audience. This was due largely to the subversive undertones in the passage that could be and were often read as a direct attack on the 'proud and arrogant' secular masters. John, however, did not attempt to blunt or detract from the radical and often revolutionary Joachite message in the extract through the compilation process. While he added a considerable amount of commentary concerning the veracity or meaning of the previous two prophets, Joachim is generally left to stand on his own. In this silence, John seems to be saying to his audience 'read from it what you will'.

By avoiding editorial comments on the Joachite prophecy, John's intentions in including it are somewhat unclear. He may have wanted to redirect his audience's attention from the numerous negative connotations that the prophecy had accumulated in the previous century; much in the same way, he had attempted to reconfigure the anti-mendicant sentiment of the Hildegard prophecy. Building upon his repeated alignment with the collective mentality of the university masters throughout his tract he may have sought to divert attention from the anti-institutional messages with which the prophecy had been associated especially during the scandal of the Eternal Evangel. This type of endeavour could potentially rehabilitate the Joachite message among a university audience. To a specifically Dominican audience the passage would have had different connotations again. It re-energizes the sense of the prophetic mission of the two

⁷⁶ 'Ipsam autem ruinam ecclesie tales necesse est predicare ac plangere, quibus et voluntaria paupertas arideat, et doctrine spiritualis ac vite puritas in future tribulationis aculeis non obsistat. Tales ergo doctors, tales prophete, mittendi sunt qui non solum inferiores homines sed etiam ipsos pontifices et prelates fulgurent et non palpent. Revelandi nimirum in proximo sunt doctors predicatorumque fideles qui terrena carnaliaque corda omni plaga percuciant. Et elatis ac tumidis magistris silencium suis studiis imponatur': John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 39; English translation, p. 89.

orders found in the joint encyclical of the mid-thirteenth century. Reviving the concept of the *viri spirituales* could suggest that John himself, contrary to Aquinas, was influenced by the idea of his order's importance in the End Times. The prophecy returns to the Dominican order — or at least to the Dominican theologian — the prophetic authority from which the order had largely disassociated itself during the second half of the thirteenth century. John's willingness to employ Joachim as an 'authorized' prophet and to put his prophecies at the service of his own authority as a theologian seems to suggest that he was not simply providing an academic response to Arnold. He was also engaging with issues important to the development of his own image and that of his order.

In what seems to be almost an afterthought, John adds another small Joachite prophecy, one which cannot be found in any of his usual sources.⁷⁷ Calling it a 'common and general saying' that had been attributed to Joachim, this is the only element in the section on the prophet that seems to acknowledge John's ostensible purpose: that is, to identify and establish a time frame for Antichrist's advent. The prophecy specifically states that the Antichrist would be born in 1300. As John adds, however, 'I do not remember this writing [to be] so expressed in the writing of Joachim'.⁷⁸ By depriving this prophecy of a known author, John seems to anticipate criticisms that he may be attempting to pinpoint the date of Antichrist's arrival. At the same time he seems to be defending his decision to utilize Joachim. While the vast majority of Joachim's followers attempted to pinpoint a definite time frame for his predictions, Joachim himself never committed to a date or time.⁷⁹ John's editorial comments in this instance could be viewed as an acknowledgement of this common misconception of Joachite thought.

The inclusion of the small prophecy and John's subsequent comments also make his silence on the previous passage all the more glaring. This silence could, in some ways, be read as an endorsement of its message. Analysis of John's compilation process suggests that he was not just participating in the university's desire to control unauthorized eschatological knowledge; he was, albeit somewhat passively, seeking to engage with contemporary reflections on Dominican

⁷⁷ On this small prophecy, see Holder-Egger, 'Italienische Prophetien I', p. 175, nn. i, iii; Holder-Egger, 'Italienische Prophetien III', p. 100; Bignami-Odier, 'Notes sur deux manuscrits', pp. 224–26; Bloomfield and Reeves, 'The Penetration of Joachimism', pp. 780–81, 787–88.

⁷⁸ 'Hanc tamen scripturam non memini sic expressam in libris Johachim': John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 40; English translation, p. 90.

⁷⁹ Reeves, *The Influence of Prophecy*, p. 54.

identity and their prophetic mission in the End Times as agents of salvation. One of the fundamental functions of political prophecy outlined by modern historians is the way that it was used to express a collective point of view that its audience held about events that were occurring within their lifetime and the concerns that these raised.⁸⁰ Through the overall form and the techniques used in the construction of his text, John was able to not only attempt to manipulate and alter his audience's reactions to and understandings of contemporary academic and political events, but he could also attempt to express a viewpoint, either his own or that of his audience. In contrast to Clark's claims, then, it seems that John's reliance on and use of his sources cannot be diametrically opposed to the expression of his ideological beliefs. The process of compilation practiced by John in fact goes a long way towards explaining the ways in which Dominican identity was consistently shaped and expressed even in the largely depersonalized nature of scholastic compilation.

John's next choice of prophecy in his compilation of political prophecies supports the proposition that he did not intend to clarify the time of Antichrist's advent at all. As Robert Lerner has illustrated, John's inclusion of the Tripoli prophecy actually confuses the date of Antichrist's advent. Composed around 1290 this prophecy's early popularity was immense, circulating probably from the German lands of the Empire, to England, and to John in Paris by 1300.⁸¹ It spoke *ex eventu* of the fall of Tripoli, which verified the authority of the prophecy. While John was utilizing 'cutting edge' prophetic material, a scribal error in the copy that he was using confused the time frame for the period of trials instigated by Antichrist. This meant that John, as Lerner reveals, 'was unable to relate the Tripoli prophecy to the main subject of his treatise — information concerning the date of Antichrist's appearance'.⁸² The relative pointlessness of the prophecy to his ostensible aims thus begs the question why John included it at all. Lerner suggests that John, instead of glossing a time frame which suited his interests, offered no further analysis in order that the prophecy might be clarified or verified by later events. A closer look at the messages and the compilatory arrangement suggests an alternative reading of John's purpose in including it.

⁸⁰ Lerner, *The Powers of Prophecy*, pp. 2–7; Coote, *Prophecy and Public Affairs*, p. 237.

⁸¹ For the composition and dissemination of the Tripoli prophecy, see Lerner, *The Powers of Prophecy*, pp. 37–61.

⁸² Lerner, *The Powers of Prophecy*, pp. 65–66.

The Tripoli prophecy predicts that 'the mendicant orders and a great many other sects will be annihilated'.⁸³ This simple line, which occurs amidst a veritable army of tribulations associated with Antichrist, has the immediate effect of drawing John back from the radical and potentially heterodox implications for the two orders found in the Joachim of Fiore prophecy. It might be argued that John was testing the waters by using the contentious Joachite prophecy in his tract. It would have, almost certainly, provoked a response both within his order and among the other academics at the university. Understood in this sense, it could probably be argued that John's overall purpose in writing the tract was to draw attention to himself, either positive or negative.

By contrasting the potentially subversive nature of the concept of the *virī spirituales* with the Tripoli prophecy, John, like many other Dominicans, exhibited an element of caution in his writing.⁸⁴ The obvious opposition between the messages about the future of the mendicant orders found in the prophecies included in John's tract combined with his general tendency towards caution could almost be viewed as a small-scale reflection of the fragility of the ideological basis of Dominican identity. This is especially with regard to the way they had to contend continually with the residual legacy from the mid-century dispute with the seculars. However uncertain or undecided John's views, it cannot be denied that he at least toyed with the notion of the Dominicans' special role in the End Times. While scholasticism as an intellectual structure had many meaningful implications for the development of Christian theology, as an ideology, which could have meaning both in texts and in actions, it had little resonance outside the university environment.⁸⁵ By contrast, Joachim's concepts provided the priests and preachers of the mendicant orders with a significant form of empowerment to act as witnesses to Antichrist and mediators of salvation. While it cannot be said with any certainty that John saw himself in this role, the ability to manipulate feelings on the Apocalypse and the importance of the Dominicans' eschatological role could be a powerful tool for an ambitious friar.

John's ability to draw out a variety of potential responses from prophetic material was facilitated greatly by his skill as a compiler. For example, the lack

⁸³ 'ordines mendicancium et alie secte quamplures adnichillabuntur': John Quidort of Paris, 'The *Tractatus de Antichristo*', ed. and trans. by Clark, p. 42; English translation, pp. 91–93.

⁸⁴ Reeves, *The Influence of Prophecy*, pp. 161–74.

⁸⁵ For a working definition of 'ideology' in this context, see Bell, *Ritual Theory, Ritual Practice*, pp. 187–93.

of comment or definitive temporal context in the Joachite prophecy propelled John's discussion into a more ideologically loaded space than the rest of the extracts that he chose. His audience would need little prompting to understand it in anything less than a political manner. Yet the inclusion of the Tripoli prophecy directly afterward had the added benefit of deflecting attention from some of the more radical themes implicit in the Joachite prophecy as well as being a topical and current piece of prophetic material. John's express comments on the various prophecies all attest to the ambiguity of political prophecy. His audience seems to be left largely to determine the possible academic and political implications for themselves. Focus on the process of selection and arrangement, however, reveals how John actively negotiated (and often guided) the author-text-reader relationship. He manipulated the political content and messages contained within the prophecies through his active use of compilation and commentary. Yet in a purely academic sense, a conclusion that his audience might potentially reach, from his comments alone, is that the section on prophets is basically redundant: it does not shed any light on the time of the advent of Antichrist.⁸⁶ Consequently, the main 'actor' in John's section on prophets and 'holy men' is the expression of his own skill as a compiler and authority as a Dominican scholastic theologian, who somewhat hesitantly — and often very subtly — explores and tests the boundaries of what prophecy means for his own identity.

* * *

John of Paris trod a fine line in writing a tract on the time of Antichrist. He expressed the shared concerns of the Theology Faculty through his numerous comments which cast doubt on the ability to establish the time of the Antichrist. And he participated actively in his fellow masters' efforts to control the source and dissemination of eschatological knowledge by attacking the basis of Arnold of Villanova's authority and his scholarly techniques. Yet it is clear that the Dominican order and the rollercoaster ride its public image had undergone during the thirteenth century significantly informed John's approach to his subject and his material. While John's identity is embedded within his text and articulated in a variety of ways that are connected to both his authority and technique as a scholastic theologian, one question still remains: why did John write the tract?

John, it seems, was a highly ambitious man and repeatedly took it upon himself to engage with controversial topics. While a respected teacher, in 1300 John

⁸⁶ John places far more academic emphasis on the following section on astrology.

had not yet been accepted into the Theology Faculty, and as such he was not the obvious choice to clarify the Dominican position with regard to Arnold's tract; this job should have gone to the master general of the order or at least to one of the Dominican regent masters. It is true that in the 1280s two bachelors were appointed to the commission to investigate the works of Peter John Olivi.⁸⁷ There is no evidence to suggest, however, that John was ever involved in the official proceedings that took place against Arnold in 1300.⁸⁸ The variety of important and relatively urgent topics to which he turned his pen demonstrates that John took his role as a schoolman very seriously. He clearly articulated his approach to, and encouragement of, independent enquiry when a bachelor of theology. Between the years 1292 and 1296, he defended his opinions on the sacraments while teaching on the *Sentences*, noting: 'our masters in theology have told us this, since it is very pleasing to them that we should investigate problems.'⁸⁹ By addressing eschatological and later political controversies, John placed himself at the very forefront of Dominican scholarship. Even as a bachelor he sent a clear signal to his faculty concerning his ambitions within the university as a skilled and erudite theologian.

As the *Tractatus de Antichristo* demonstrates, John's position within the Dominican order was also a strong motivator for his writing. In this sense, a parallel might be drawn between John and another bachelor who was working towards obtaining the position of master in the 1250s when the Eternal Evangel scandal broke out at the University of Paris. In his commentary on the *Sentences* in the following year, Thomas Aquinas dealt directly with themes relating to Dominican eschatology that were raised by this controversy. His views came to define Dominican identity for many decades to come. It may be possible that confronted by a similar controversy over the source and dissemination of eschatological knowledge, John saw himself as a new Thomas Aquinas who could set the trajectory of Dominican eschatological scholarship. John's tract seems to revive a sense of urgency in Dominican eschatological speculation that had been lost in Aquinas's work. In so doing, John toyed with the idea of reincorporating the prophetic basis of the Dominican mission through his use of Joachim's key prophecy of the *virī spirituales*. While John was purposefully ambiguous in

⁸⁷ McLaughlin, *Intellectual Freedom*, p. 265.

⁸⁸ Lerner, *The Powers of Prophecy*, p. 65.

⁸⁹ Palémon Glorieux, 'Le mémoire justificatif de Bernard de Trilia OP (1286)', *Revue des sciences philosophiques et théologiques*, 17 (1928), 407–13, cited in McLaughlin, *Intellectual Freedom*, p. 219.

his use of political prophecy, the later condemnation of his tract by the secular Henry of Harclay suggests that the radical implications of John's inclusion of Joachim's *virī spirituales* for Dominican identity were still understood by his audience.⁹⁰

While John may not have reached the theological heights or status of his predecessor, the few facts that can be determined from his career reveal his tenacity and dedication to attaining the coveted position of regent master. He did this as a Dominican who studiously cultivated the ability to represent a Dominican point of view through his writing. The texts he left behind seem to provide a concrete indication of his ambition within his order as well as within the University of Paris.⁹¹ Consequently, it could be argued that actually undertaking the writing of the tract on the Antichrist and placing himself in the middle of the controversy sparked by Arnold was a signal of John's own ambition and sense of importance, not only in the End Times and as a theologian, but also as an important individual on the rise within the Dominican order. Yet it was not only personal ambition that caused John to undertake the writing of the tract and plunge into the debate. As I have shown, the fluctuating authority and reputation of the Dominican order significantly informed John's approach to his work. His otherwise unnecessary use of political prophecy demonstrates that any formal work of a theological, political, or religious nature could be used to create a stage upon which identity and authority played a significant role. Scholasticism and compilation techniques provided the main tools for the theologian to approach their task. In this sense, John's work was very much a product of the time and context in which he wrote. It was both a direct response to a significant issue and provided a way to address wider, and often more personal, concerns and matters.

⁹⁰ Harclay was a noted anti-Dominican: Henninger, 'Henry of Harclay', pp. 305–06.

⁹¹ Statistics reveal that nearly half of all regent masters of Theology went on to attain high ecclesiastical offices, either as provincial priors or generals of their orders or elsewhere in the Church: Avi-Yonah, 'Career Trends', pp. 55–59.

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WHY DID JOHN OF PARIS WRITE *DE POTESTATE REGIA ET PAPALI*? A RECONSIDERATION

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From time to time it happens that a puzzling question is unsatisfactorily resolved by what is ostensibly its most logical answer. Although misdirection of this kind is common to crime fiction, occasionally historians can also be enthralled by attractive solutions. Consider John Quidort of Paris's 'political' tract *De potestate regia et papali*. While the theory outlined within the tract is itself relatively straightforward, inconsistencies arise when attempting to reconcile *De potestate*'s theory with the motive most often ascribed to its author. Indeed, upon inspection it appears that the clash between Pope Boniface VIII (r. 1294–1303) and King Philip IV of France (r. 1285–1314) is, with respect to *De potestate*'s *raison d'être*, the historical equivalent of a red herring. For although the clash influenced John's text, it seems unlikely that *De potestate* was drafted to support royal prerogatives, or even in direct response to the dispute. Meanwhile there are compelling yet often overlooked arguments that instead suggest the impetus behind *De potestate*, and thus the primary reason John composed the tract, can be traced to several controversial issues under debate at that time within the Theology Faculty at the University of Paris. Certainly, both *De potestate* and the Franco-papal clash questioned jurisdictional boundaries and the order of power in a Christian world. These correlations, however, may be simply symptomatic of a milieu in which the contemporary papacy's hierocratic assertions were being challenged by those 'inside', as well as outside, the Church.

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From a certain perspective, the clash between Philip and Boniface can be understood in relation to transformations within medieval culture. As Europe's money economy became increasingly sophisticated, so did the practice of Roman and canon law. These developments helped drive the centralization of both the French court and the papacy. The competition for tax revenues necessary for the operation of these bureaucracies contributed directly to the Franco-papal conflict over jurisdictional boundaries. Additionally, however, there were complexities more ideological in nature. These tensions reflected a changing culture of loyalty and fealty. Since maintaining the right to extract tax revenues from the French clergy was crucial to both Boniface and Philip, French clerics found themselves at the centre of a particular jurisdictional conflict. On one side the papacy continually asserted and assumed its 'universal' jurisdiction over all members of the clergy. Conversely, Capetian kings propagandized their divine-royal power, and they increasingly expanded their jurisdictional claims to include all inhabitants within the French kingdom regardless of estate. Thus, an important aspect of the Franco-papal clash was the very concept of legitimate power in a Christian world.¹

The academic environment at the University of Paris was also influenced by cultural developments, albeit in a somewhat different manner. The emergent money economy contributed significantly to the social anxieties of medieval life. This anxiety is illustrated by the emphasis placed upon poverty in emergent expressions of Christian piety. A remarkable manifestation of pious poverty occurred in the popular and hugely influential orders of mendicant friars. Unsurprisingly, these orders were concerned particularly with the role of temporal goods in Christian life. The Order of Preachers, owing to its mission to confront heresy, was also keenly aware of the importance of Christian doctrine. Consequently, the Dominicans led the mendicants in establishing a school at the University of Paris, one which attracted many promising academics.² The convent at Saint-Jacques was where (after being himself 'recruited' into the order) the influential Dominican regent master Thomas Aquinas (d. 1274) achieved a controversial synthesis between Christianity and Aristotelianism. As is well known, Aquinas is particularly notable for his influential dissemination of the political language and concepts contained within Aristotle's *Politics*.

¹ On this topic more generally, see Canning, *Ideas of Power*, pp. 11–59.

² Lawrence, *The Friars*, pp. 127–29.

The mendicant orders were also an important instrument in the expansion and centralization of papal power.³ The unrestricted preaching rights granted to the mendicant friars by the papacy effectively extended papal influence into Christian lives previously administered solely by the secular clergy. The encroachment engendered significant animosity from seculars. The friars were accused of flaunting episcopal jurisdiction, a charge that was undoubtedly related to a dramatic decrease in the incomes of seculars due to mendicant ministration. Acrimonious debates ensued regarding correct Church doctrine between secular and mendicant scholars at the University of Paris, and these debates are an important point in this article's discussion. The university's seculars were initially resentful of the popular mendicants because of the latter's successful 'capture' of a substantial portion of the Parisian 'academic market'. This resentment, however, quickly evolved into pronounced hostility over the issue of mendicant privileges,⁴ and the escalating conflict generated much theological speculation. A significant issue addressed by the resulting university disputations and quodlibets was the autonomy of bishops within their own dioceses, which naturally evolved into questions concerning the very structure of Church government.

Meanwhile, there were also university debates related to a wholly separate yet equally volatile conflict between the Dominicans and Franciscans. The Franciscans had repeatedly attacked certain aspects of Dominican theology developed by Aquinas, aspects of which were incompatible with the Franciscan doctrine of poverty.⁵ These debates occurred during a time when the Franciscan interpretation of the doctrine held favour with the papacy, and also at a time when several aspects of Thomist thought were highly controversial.

Another important aspect concerning the university's identity is the influence that was wielded by the Parisian masters of Theology in Latin Christendom's wider culture.⁶ Much respect was accorded to the masters' opinions on topical issues; yet as a group the masters were far from united. Academics vied competitively to attain the status of master, and the Parisian masters often held con-

³ Pope Innocent IV favoured the mendicants as valuable arms of papal policy: Lawrence, *The Friars*, pp. 152–53. Boniface VIII saw the mendicants, and especially mendicant bishops, as a useful weapon in a policy of papal centralization: Boase, *Boniface VIII*, p. 190.

⁴ Lawrence, *The Friars*, pp. 153–61.

⁵ For a summary, see Coleman, 'The Intellectual Milieu'; Coleman, *A History of Political Thought*, pp. 118–33.

⁶ Wei, 'The Masters of Theology'; Crawford, 'The Involvement of the University'.

flitting opinions on controversial issues. This kind of individuality was actually fostered by the university's environment. The disputations between scholars and the quodlibets held by popular masters were closely observed; not only was theology at stake, but also the pride and prestige of individual scholars.

Placed within this combative academic context, *De potestate regia et papali* appears as John's contribution to a debate about Church government that essentially questioned the ends for which papal power was wielded. In this debate, John seems to champion a philosophically Dominican conceptualization of the papacy's purpose. In consequence, John's theory places strict limitations on the papacy's temporal power. And, interestingly, John extends his theory into a discussion of Church administration in which he advocates a more democratic structure of Church government. *De potestate* may also have had another purpose: reconciling the animosities that had evolved between the Dominicans and the seculars. Indeed, John appears to appeal to the seculars, based upon common Dominican and secular perspectives concerning Church government. This appeal occurs in the tract's *proemium*, where John makes concessions regarding sacramental jurisdiction that appear to be in direct conflict with the interests of his own order. Indeed, if the *proemium*'s purpose is to frame the tract's central arguments, then John's primary concern is to challenge the hierocratic theorists and their assertions of unlimited papal power. Accordingly, John's tract appears to target specifically a university audience that included hierocrats and Franciscans as well as seculars. Appraised as such, the tract may actually represent a hypothetical blueprint for a reformed Church constitution, in which John effectively stakes out a 'Dominican' position with regard to several academic debates. Lastly, it should be noted that this reinterpretation of why *De potestate* was composed is in no way critical of John's concise and logically argued theory, which was surprisingly prescient as well as novel in its use of Aristotelian concepts.⁷

There are effectively two stages to reassessing why John composed *De potestate*. The first concerns the tract's direct connection to the Franco-papal clash. Here, the evidence supporting the conventional dating of *De potestate* is examined, as it is commonly assumed that John wrote his tract at the height of the

⁷ John's Aristotelian ideas regarding political power were most certainly novel. However, the idea that the Church is, or should be, an Aristotelian mixed constitution was forwarded some years earlier by Peter John Olivi: Blythe, *Ideal Government*, pp. 150–52. Thomas J. Renna has favoured the view that John's tract used Aristotelian concepts with 'royalist' interpretations and to royal ends: Renna, 'The *populus* in John of Paris' Theory'.

clash.⁸ Of greater interest, however, is evaluating the tract with regard to its royal sympathies. Certainly, a reasonable explanation must be sought for John's implication that a king may depose an errant pope.⁹ This implication is a primary reason why historians have determined *De potestate* to be a 'royalist' tract, and John to be a staunch royal supporter.¹⁰ Consequently, this article's evaluation of *De potestate*'s 'royalist' perspective includes a brief analysis of how John divides spiritual power from temporal power. This analysis suggests that in *De potestate* John actually offered very little support to Philip on the very issues underpinning each phase of the clash. The second stage of reassessing why John wrote *De potestate* involves assessing John's theory in light of the conflicts within his immediate academic milieu. Although this second stage is largely speculative, the enquiry suggests that John's anti-hierocratic stance evolved naturally from his Dominican-Thomist philosophy. Moreover, John may have had personal motivations behind *De potestate*'s theory that were related to his identity as an accomplished, yet highly controversial, Parisian academic.

Discounting the Franco-papal clash as the reason behind John's tract will undoubtedly invite the scepticism of some historians. The most difficult obstacle to overcome, however, may not be the evidence that supports a direct connection. Rather it may be the reluctance of such historians to separate John's tract from the clash due to the latter's great importance in Church-state historiography. For both Philip and Boniface the clash was certainly a serious affair. Even following the Pope's death, Philip repeatedly threatened a posthumous trial of Boniface before a general council for heresy.¹¹ Yet it is puzzling why historians who have studied *De potestate* might remain themselves so preoccupied with the affair. Granted, the clash warrants historical attention. On one side, the episode is an important marker in the development of the French state; on the other,

⁸ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, pp. 27–28; Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 11–14; Lambertini, 'John of Paris'.

⁹ John's position is essentially derived from three assertions. Firstly, John contends that the spiritual power does not possess the use of physical force: *De potestate*, c. 2 and c. 12 (Leclercq, pp. 178–79, 207–11; Bleienstein, pp. 78–80, 127–34). Secondly, John contends, 'Et dico quod primo iure habet imperator, ratione delicti praecipue civilis, papam immediate corrigere', and thirdly, that 'imperator si esset haberet ipsum primo iure corrigere immediate': *ibid.*, c. 13 (Leclercq, pp. 214–15; Bleienstein, p. 139).

¹⁰ For the view that John tends to favour the royal perspective, see Krynen, *L'Empire du roi*, pp. 94–95. For an earlier view, see Carlyle and Carlyle, *A History of Mediaeval Political Theory*, pp. 79, 437.

¹¹ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 15.

Boniface's ignominious demise essentially signaled a similar fate for the 'papal monarchy' envisioned by Pope Innocent III (r. 1198–1216). However, the historical significance of the clash would have been impossible to anticipate during the winter of 1302/03. And historians ought always to consider this caveat when assuming that with *De potestate* John would have had Philip's prerogatives firmly in mind.

De potestate regia et papali and the Franco-Papal Dispute

Although the chronology of the Franco-papal clash and its related events are well known, a few key points are worth highlighting.¹² The conflict is generally understood to have had a 'first phase' and a 'second phase', each of which shall be referred to as such throughout this article. The first phase began with Philip's onerous taxation of the French clergy for the 'defence of the realm'. Special Church tithes had been traditionally exacted to finance crusades undertaken by the French crown on behalf of the papacy. In this case, however, the tax was implemented by Philip to fund his war against Edward I of England (r. 1272–1307) over the lordship of Aquitaine. This first phase escalated when Boniface rejected Philip's right to this tithe with the papal bull *Clericis laicos* (February 1296) and is considered to have concluded when Boniface conceded with *Etsi de statu* (July 1297). The second phase commenced when Philip arrested the Bishop of Pamiers (whom Boniface himself had appointed) on charges of blasphemy, heresy, and treason (October 1301). Boniface retaliated with *Ausculat feli* (December 1301), of which a highly propagandized forgery later appeared entitled *Deum time*. This second phase is considered the more serious of the two, for in assuming judicial cognizance over a bishop Philip is seen to have deliberately challenged a fundamental principle of canon law.¹³ At about this time Philip also began a comprehensive propaganda campaign against Boniface that included the convocation of a general assembly, whose purpose was to consolidate anti-Boniface sentiment (February 1302). The gravity of this second phase is underlined by the attempted kidnapping, by French agents, of Boniface from the papal residence at Anagni (September 1303). Allegedly, the failed kidnap contributed directly to the death of the eighty-six-

¹² For more detail concerning the clash, see the essays edited in Wood, *Philip the Fair and Boniface VIII*, pp. 40–80; and Strayer, *The Reign of Philip the Fair*, pp. 260–79.

¹³ Tierney, *The Crisis of Church and State*, p. 180; Coleman, *A History of Political Thought*, p. 118.

year-old Pope barely six weeks later. The French court's idea appears to have involved putting Boniface on trial in France for crimes that included heresy. Two further points conclude this brief summary. First, immediately following his ascension (December 1294) Boniface began persecuting the Colonna family, long-standing Roman aristocratic rivals of Boniface's own Gaetani family. In response, the two Colonna belonging to the College of Cardinals began immediately to politick against the new pope. The Colonna cardinals first questioned the Paris masters regarding the resignation of Boniface's 'saintly' predecessor Pope Celestine V (r. 1294, d. 1296). After the masters concurred that the resignation was legitimate, the cardinals then enquired about papal deposition and accused Boniface of corruption. The final point is that sometime after the return of French emissaries from Rome in the summer of 1302, and before Philip convened the second Estates General (June 1303), the French court actively began to gather support for Boniface's deposition, a procedure that would allegedly involve putting the Pope on trial in France before a general council.¹⁴

Although the task of dating *De potestate* precisely is a practical impossibility, most scholars appear relatively certain that John composed his tract around the height of the Franco-papal clash.¹⁵ It is worth pointing out immediately that even should the conventional dating of John's tract be accurate, this alone would not prove that *De potestate* was directly connected to the Franco-papal clash. Despite this fact, however, assessing the evidence that supports the tract's accepted dating, as well as exploring the events that occurred alongside the tract's composition, are both helpful in placing John's work within its wider context. Additionally, adopting this approach enables the introduction of some interesting conclusions that were reached by Karl Ubl.¹⁶

The inescapable margin for error in dating *De potestate* exists because the process is largely reliant on references contained within the tract. These references are used (sometimes rather inconclusively) to tie *De potestate* to contemporary events, to other contemporary tracts, or to contemporary papal bulls. Also, a further dating complication has arisen from Janet Coleman's claim that *De potestate* was originally a series of tracts possibly written over several years.¹⁷ Yet

¹⁴ The idea of placing Boniface on trial for heresy was put forward by William of Nogaret in March 1303, although the royal government probably did not commit itself to this course of action until June: Thieulloy, *Le pape et le roi*, pp. 217–26.

¹⁵ See the prefatory essay to this volume.

¹⁶ Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie'.

¹⁷ Coleman, *A History of Political Thought*, p. 119.

despite these problems there are still several overt clues to the time of *De potestate's* composition. For instance, in John's discussion on the legitimacy of papal resignation he names both Boniface and his predecessor Pope Celestine V.¹⁸ In the same discussion John also reproduces material from Giles of Rome's *De renunciatione pape* in which Giles defended the legitimacy of Celestine's abdication.¹⁹ As Giles's tract listed the twelve arguments challenging papal resignation that were made by the Colonna cardinals in their First Manifesto, it is unlikely that *De potestate* predates this Colonna document, which was drafted in May 1297.²⁰

Isolating a date beyond which *De potestate* could not have been composed is less simple. The best argument that the tract was composed prior to 1303 derives from John's failure to reference Boniface's singular papal bull, *Unam sanctam* (November 1302).²¹ Granted, *Unam sanctam* did not contain any original material, and indeed, each of the hierocratic arguments that it does contain is included in Giles of Rome's hierocratic tract *De ecclesiastica potestate*. In fact, at the time of *Unam sanctam's* composition Giles was working in the service of the papacy and is likely to have been the bull's 'ghost' author.²² The distinctive qualities of *Unam sanctam* were its clear and originally arranged statement of unbridled papal power and its concluding line that asserted, 'it is altogether necessary to salvation for every human creature to be subject to the Roman Pontiff'.²³ In *De potestate's* highly comprehensive list of forty-two 'known' arguments 'that the pope does have jurisdiction over temporalities',²⁴ John fails to present either the particular formulation of *Unam sanctam's* argument or the bull's signature final line. It seems reasonable, therefore, to conclude that John's tract was written before *Unam sanctam*. One final point regarding *Unam sanctam* is Walter Ullmann's argument that the bull was not actually intended by Boniface for use

¹⁸ *De potestate*, c. 15 (Leclercq, p. 259; Bleienstein, p. 208); English translation: Watt, p. 252.

¹⁹ For a comparison between John's *De potestate* and Giles's *De renunciatione pape*, see Eastman, 'Giles of Rome and Celestine V', p. 205.

²⁰ Eastman, 'Giles of Rome and Celestine V', p. 200.

²¹ Walter Ullmann has highlighted some problems with the date of *Unam sanctam's* promulgation: Ullmann, 'Boniface VIII', p. 74. For the purposes of this article, however, the exact date the bull was promulgated is not critical.

²² Ullmann, 'Boniface VIII', p. 75.

²³ *Unam sanctam* (November 1302): Friedberg, *Corpus iuris canonici*, II (1881), cols 245–46; English translation: Tierney, *The Crisis of Church and State*, pp. 188–89.

²⁴ *De potestate*, c. 11 is comprised of a comprehensive list of forty-two arguments that defend papal supremacy. John's replies, presented in blocks of six, comprise *De potestate*, c. 14–20.

in the Franco-papal conflict but was rather part of an orchestrated theological reaction by the papacy to the new Aristotelian theology emanating from the University of Paris.²⁵ This interesting idea will resurface towards this article's conclusion.

Having isolated *De potestate*'s composition to sometime between May 1297 and November 1302, the real question to consider is whether John wrote his tract before the second and crucial phase of the Franco-papal clash. There are two reasons for dating to the second phase of the clash (aside from the assertion that *De potestate* was a 'royalist' tract intended for use by Philip in the clash's crucial phase). On the one hand are the alleged correlations between *De potestate* and the contemporary hierocratic tracts of Giles of Rome and James of Viterbo;²⁶ on the other hand are *De potestate*'s apparent allusions to Boniface's papal bull *Ausculda fili*.²⁷

First, consider the hierocratic tracts of the two Augustinian scholars, Giles of Rome (d. 1316) and James of Viterbo (d. 1308). The first point of note is that both scholars belonged to an order that was largely indebted to Boniface. Following his ascension, the Pope had extended full recognition to the Augustinians. He exempted them from diocesan control by appointing himself as the order's official protector, and he granted the order numerous exemptions and privileges.²⁸ After Giles became the first Augustinian scholar to become a regent master of Theology at the University of Paris, he was elected the order's prior general and can be seen in some ways as responsible for the welfare of the order as a whole. In 1295 Boniface appointed Giles to the archbishopric of Bourges, and in June 1296 the eminent Roman scholar left Paris to spend

²⁵ Ullmann, 'Boniface VIII'.

²⁶ For example, Roberto Lambertini notes that *De potestate* is 'considered the most significant Parisian reaction to curial positions and in particular to Giles of Rome's *De ecclesiastica potestate*': Lambertini, 'John of Paris', p. 632. See also John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, pp. 42–43.

²⁷ In his discussion regarding the dating of John's tract, Watt notes that *De potestate* 'shows unmistakable traces of *Ausculda fili* and *Deum time*, as well as clear evidence that [John] knew of the papal and royal attitudes to the Rome council': John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, pp. 27–28. Dyson notes that it is unlikely that *Ausculda fili* was circulated in France: James of Viterbo, *On Christian Government*, trans. by Dyson, p. xi. It is possible that John may have only known the forged version circulated by the royal government, *Deum time*, but for the purposes of this article I shall refer to *Ausculda fili* itself.

²⁸ Boase, *Boniface VIII*, pp. 194–95.

the period until August 1299 in Rome working directly for the papacy.²⁹ Giles's hierocratic tract *De ecclesiastica potestate* was dedicated to Boniface and has been dated to the second phase of the Boniface-Philip clash, probably to the period April–November 1302. However, like *De potestate*, Giles's tract is similarly impossible to date precisely.³⁰ Yet some modern scholars who accept *De ecclesiastica potestate*'s traditional dating have also detected correlations between Giles's tract and *De potestate*. These scholars have concluded that John's tract was a 'royalist response' to *De ecclesiastica potestate* and conclude John's tract therefore dates to the crucial phase of the clash.³¹

Granted, there are instances in *De potestate* where John counters specific arguments made by Giles in *De ecclesiastica potestate*. One obvious example relates to which power — spiritual or temporal — has precedence in time. Whereas Giles employs arguments made by Hugh of Saint-Victor,³² John's typically terse argument states that true priesthood could not have existed before Christ.³³ Another example involves certain papal bulls (such as *Si duobus*, *Lator*, *Causam*, *Novit*, and *Per venerabilem*) that were promulgated by Boniface's predecessors Innocent III and Alexander III (r. 1159–81). In *De ecclesiastica potestate* Giles attempts to reconcile papal supremacy with the fact that these bulls openly ceded jurisdictional precedence in certain temporal matters to temporal rulers. Firstly, Giles argues that it is the incumbent pope who holds final and absolute power. Secondly, Giles contends that although the pope holds supreme power, he normally refrains from its use both out of humility and in order to

²⁹ For a biographical summary of Giles, and a discussion of the context within which *De ecclesiastica potestate* was composed, see Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, pp. xi–xx.

³⁰ For example, Dyson contends that Giles's tract appeared 'probably in 1302' and was 'certainly composed at or near the climax of the pope's second conflict with Philip the Fair': Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, p. xx.

³¹ For example, Roberto Lambertini notes that *De potestate* is 'considered the most significant Parisian reaction to curial positions and in particular to Giles of Rome's *De ecclesiastica potestate*': Lambertini, 'John of Paris', p. 632. For a summary of the arguments concerning the relationship between John's work and Giles's tract, see the essay by Koch in this volume, particularly note 15.

³² For example, Giles makes this argument in Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 1, c. 4, pp. 29–39. For a discussion of Giles's use of Hugh of Saint-Victor, see *ibid.*, p. xxii. Giles's use of Hugh of Saint-Victor and other sources for Giles's arguments are also discussed in Jones, 'Giles of Rome, Political Thought', p. 421.

³³ This argument occurs in *De potestate*, c. 4 (Leclercq, pp. 182–83; Bleienstein, pp. 84–87).

focus on spiritual matters.³⁴ As expected, in *De potestate* John exploits these bulls to demonstrate the precedence of papal deference to temporal rulers concerning temporal jurisdiction. John also asserts that the latter hierocratic argument is a 'disguise' for arrogance and dishonesty.³⁵

Other instances where the tracts appear to correlate occur in *De potestate*'s comprehensively listed arguments. These arguments are divided into two sets. John first presents forty-two 'known' arguments 'that the pope does have jurisdiction over temporalities',³⁶ which he follows with his own set of forty-two counter-arguments. These latter effectively conclude the first and main section of *De potestate*.³⁷ John Watt, the tract's modern translator, has noted the distinct origin in canonist thought of the first nineteen of the arguments articulated in John's initial set of forty-two known arguments.³⁸ For the purposes of this article, it is the following eleven arguments (20–30) that are particularly interesting. John presents these arguments as if they comprise one inclusive block, and all eleven arguments appear decidedly hierocratic in origin.³⁹ It is therefore arguable that John follows a specific 'canonist block' (identified by Watt as arguments 1–19) with a specific 'hierocratic' block (arguments 20–30). At least

³⁴ Giles formulates these arguments in Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 3, c. 1–8, pp. 270–361. For a discussion regarding Giles's argument, see *ibid.*, pp. xxvi–xxviii; Jones, 'Giles of Rome, Political Thought', p. 421.

³⁵ John makes these assertions where he cites the bulls *Si duobus*, *Lator*, *Causam*, and *Novit* in *De potestate*, c. 13 (Leclercq, pp. 211–16; Bleienstein, pp. 134–42); English translation: Watt, pp. 151–61. John cites *Per venerabilem* in *De potestate*, *Proemium* (Leclercq, pp. 173–76; Bleienstein, pp. 69–75); English translation: Watt, pp. 69–75.

³⁶ *De potestate*, c. 11 (Leclercq, pp. 201–07; Bleienstein, pp. 18–26); English translation: Watt, pp. 130–41.

³⁷ John's own forty-two counter-arguments are presented in seven consecutive chapters (14–20), each of which replies to six of the forty-two arguments. Interestingly, John's tract appears to comprise of three sections. The main body is contained in Chapters 1 to 20; Chapter 21 deals with the *Donation of Constantine*; Chapter 20 argues that it is legitimate to criticize the pope, and essentially prefaces the final three chapters (23–25) that address papal resignation and deposition.

³⁸ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 42.

³⁹ Watt ascribes the origin of four of the eleven arguments (20, 21, 22, and 26) to Hugh of Saint-Victor: John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 42. John appears to generalize the eleven arguments as belonging to Hugh of Saint-Victor and his 'followers', quite possibly Giles in particular. John ascribes argument 31 to Henry of Cremona, and here John arguably begins another 'block' of arguments in the style of the contemporary canonist.

three of these 'hierocratic' arguments (22, 23, and 27) feature prominently in Giles's tract. Therefore, the possibility should be entertained that John's 'hierocratic block' constitutes a specific response to *De ecclesiastica potestate*.

Consider the three 'related' arguments. First, in Part 1, Chapter 2 of *De ecclesiastica potestate*, Giles invokes a popular hierocratic interpretation of 1 Corinthians 2. 15.⁴⁰ John's argument 22 not only utilizes Saint Augustine's gloss on the text, but John also argues that a 'licentious man' (Boniface?) could not possibly be the 'spiritual man' to whom 1 Corinthians 2. 15 refers.⁴¹ Second, John's argument 23 refutes the argument made by Giles that 'the earthly power will be under the ecclesiastical as an art which prepares material is under that for which it prepares it'.⁴² And third, argument 27 contained in John's 'hierocratic block' appears a close facsimile of an argument made in *De ecclesiastica potestate*, which Giles had derived from Saint Augustine's *De civitate Dei*.⁴³ Certainly, these three instances do constitute 'correlations' between the two tracts. These correlations, however, are tenuous and rather random. Moreover, the difficulty of ascertaining whether these correlations demonstrate that John wrote specifically in reply to Giles is compounded by the frequency with which the same arguments would have appeared in lectures and quodlibets at the University of

⁴⁰ 'The spiritual man makes judgements about all things, but he himself is not subject to any man's judgment'. Giles's hierocratic interpretation, drawn from the bull *Si papa*, states, 'Quod Summus Pontifex est tante potencie quod est ille spiritualis homo qui iudicat omnia et ipse a nemine iudicatur': Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 1, c. 2, pp. 6–7. Giles's complete argument comprises part 1, c. 2, pp. 6–13.

⁴¹ *De potestate*, c. 17, argument 22 (Leclercq, p. 226; Bleienstein, pp. 158–59); English translation: Watt, pp. 183–84.

⁴² Compare Giles's argument in Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 1, c. 6, pp. 126–29 with John's counter-argument, *De potestate*, c. 17, argument 23 (Leclercq, pp. 226–27; Bleienstein, pp. 159–60); English translation: Watt, pp. 184–86.

⁴³ 'Quia, ut Augustinus ait secundo De civitate Dei capitulo XXI: "Vera autem iusticia non est nisi in ea republica cuius conditor rectorque Christus est". Sed nulli sunt sub Christo rectore nisi sint sub Summo Pontifice, bene dictum est quod potestas Summi Pontificis dicitur esse celestis; quia sicut celi est in omnia influere, sic potestas Summi Pontificis, tamquam in res sibi subiectas, habet agree et habet influere in omnes alios principatus': Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 3, c. 10, p. 374; English translation, p. 375. Compare with John's argument: 'Ostendunt etiam idem per Augustinum libro II De civitate Dei, capitulo XXI, ubi dicit quod sine iustitia non potest regi res publica. Vera autem iustitia non est ubi Christus non est rector. Et sic non est res publica recta et vera, cuiusmodi debet esse populi Christiani res, in qua non spectat de iure gubernatio ad papam qui est Christi vicarius, et sic dicunt papam habere utramque iurisdictionem a Deo immediate', *De potestate*, c. 11, argument 27 (Leclercq, p. 204; Bleienstein, p. 122).

Paris. John claims that his list of forty-two arguments is comprised of those that he had 'heard and [had] been able to collect'.⁴⁴ John would certainly have heard these arguments repeatedly at the university's Theology Faculty, whose members included James of Viterbo and, up until the early 1290s, Giles of Rome.

There is actually good reason to believe that John was not replying specifically to Giles. In *De ecclesiastica potestate* one of Giles's main arguments supporting papal supremacy is tied to his Augustinian belief that the ownership of property resulted from the Fall of Man. For Giles, fallen man requires the spiritual regeneration provided by baptism and penance in order to possess property rightfully. Thus, according to Giles any property ownership, including that exercised by temporal rulers, is ultimately dependent upon the spiritual ruler.⁴⁵ In contrast, John follows Thomas Aquinas by contending that temporal property results naturally from the worldly actions of men.⁴⁶ Granted, John's conceptualization effectively neutralizes Giles's Augustinian argument. Yet the fact that John neither recognizes nor refers to this highly significant component of Giles's thought makes it seem unlikely that John constructed *De potestate* specifically in answer to *De ecclesiastica potestate*.

Before comparing *De potestate* with James of Viterbo's *De regimine christiano*, it is worth noting some interesting corollaries between the Augustinian academics Giles of Rome and James of Viterbo. James succeeded Giles as regent master in Theology at the University of Paris and subsequently was also granted an archbishopric by Boniface.⁴⁷ Also, as is the case with Giles's *De ecclesiastica potestate*, James's *De regimine christiano* is dedicated to Boniface and is thought to have been composed in support of the papacy during the crucial phase of the clash.⁴⁸ Yet there is one theological difference between the two tracts that

⁴⁴ At the end of his list of forty-two arguments, John states, 'Haec sunt quae audire vel colligere potui ad hanc partem': *De potestate*, c. 11 (Leclercq, p. 207; Bleienstein, p. 126); English translation: Watt, p. 141.

⁴⁵ This argument is most clearly articulated in Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 7, pp. 130–41. See also Jones, 'Giles of Rome, Political Thought', p. 421.

⁴⁶ John states this Aristotelian-Thomist conception of property ownership concisely in *De potestate*, c. 7 (Leclercq, pp. 189–90; Bleienstein, pp. 96–98).

⁴⁷ Boniface made James Archbishop of Benevento on 3 September 1302. This may have been before or after he composed *De regimine christiano*: James of Viterbo, *On Christian Government*, trans. by Dyson, p. xvi.

⁴⁸ For a discussion on the context and dating, see James of Viterbo, *On Christian Government*, trans. by Dyson, pp. iii–xxvii.

is pertinent to *De potestate*. John directly and repeatedly addresses a particularly key argument that was made by James, but not by Giles. James's argument is that Christ was a human king with lordship over all temporal goods,⁴⁹ and furthermore, that Christ subsequently transferred this lordship to Peter and his successor popes.⁵⁰ Also, whereas Giles sidesteps the sticky implications of the *Donation of Constantine*, in *De regimine christiano* James gamely argues that the *Donation* confirmed (rather than conferred) the power of the papacy over kings.⁵¹ Notably, John devotes the entirety of *De potestate*'s Chapter 21 to the implications of the *Donation*. As with Giles's tract, however, there is little correlation elsewhere between *De potestate* and James's tract. Moreover, in his discussion regarding the *Donation of Constantine* John seems oddly uninterested in arguing that the *Donation* itself logically implies that emperors originally held the temporal power now claimed by popes. Instead, John seems mostly concerned with arguing that the French kingdom is legitimately autonomous from the western Empire. Indeed, it would seem that John is addressing an altogether different argument concerning the limits of imperial jurisdiction with respect to the *Donation*.

Another interesting aspect of John's discussion concerning the *Donation of Constantine* is that this particular section of *De potestate* appears to comprise a small tract of its own. Indeed, *De potestate* can arguably be said to consist of three discrete sections, where the main section concerns papal jurisdiction (Chapters 1–20), and the two additional sections cover the *Donation* (Chapter 21) and

⁴⁹ James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 1, p. 108. This argument is addressed directly by John, who begins his refutation of this particular hierocratic argument bluntly, stating, 'Si vero tertio modo accipiat quod Christus rex fuerit secundum quod homo, rex dico temporalis regni, quasi dominium directum vel utile habens in temporalibus bonis, omnino falsum est': *De potestate*, c. 8 (Leclercq, p. 191; Bleienstein, p. 99).

⁵⁰ James argues that the pope has fullness of power in both spiritual and temporal realms. Moreover, James argues that the pope has temporal lordship, but that the pope usually entrusts this ownership to others so that he may attend to spiritual tasks: James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 10, pp. 318–26. John directly argues that Christ as a man did not have jurisdiction over temporalities, and furthermore, that even if Christ did have jurisdiction over temporalities he did not transfer this jurisdiction to Peter: *De potestate*, c. 8 (Leclercq, pp. 190–92; Bleienstein, pp. 98–102).

⁵¹ James argues that the *Donation of Constantine* did not confer authority, as this authority was already held by the pope, but was rather enacted in a display of reverence: James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 8, pp. 244–46. James argues that the *Donation of Constantine* confirmed the primacy of the Roman bishop, the pope, over all others: *ibid.*, part 2, c. 5, p. 198.

papal resignation/deposition (Chapters 22–25) respectively. This apparently unorthodox structure — when compared, for instance, with the tracts of Giles and James — is certainly the basis for Janet Coleman's contention that, rather than a single treatise, *De potestate* was originally a series of tracts possibly written over several years.⁵² And in fact, Coleman has highlighted how James's argument that 'Christ was a human king' was also an essential component of the theology behind the Franciscan doctrine of poverty.⁵³ For this reason Coleman has proposed that *De potestate*'s arguments were directly related to the contemporary and acrimonious inter-order dispute between the Dominicans and the Franciscans. This dispute had arisen due to the conflicting theologies of Thomas Aquinas and those of certain Franciscan scholars including Bonaventure and John Pecham. Coleman has made a convincing case that *De potestate* was actually a Dominican retaliation in response to the repeated attacks made by these Franciscans upon Aquinas.⁵⁴ In consequence, there are compelling reasons to question whether *De potestate* was written in response to the arguments made by James in *De regimine christiano*. Rather, it seems plausible that certain anti-hierocratic arguments made by John may actually have been related to Franciscan arguments that were anti-Dominican. Therefore, the similarities that exist between John's *De potestate* and either Giles's *De ecclesiastica potestate* or James's *De regimine christiano* cannot be considered certain proof that *De potestate*'s composition dates to the crucial phase of the Franco-papal clash.

Now consider *De potestate*'s apparent references to *Ausculda fili*. John Watt has noted within John's tract the 'unmistakeable' presence of Boniface's polemic bull.⁵⁵ Indeed, two overt allusions to *Ausculda fili* occur in *De potestate*'s set of forty-two arguments 'that the pope does have jurisdiction over temporalities', and in John's own forty-two counter-arguments that follow. These arguments that relate to *Ausculda fili* are certainly the most compelling reason to date *De potestate*'s composition to the second phase of the clash. The first (argument 37) involves the summons of bishops to a council by the pope. When Boniface promulgated *Ausculda fili* he also summoned a number of French clergy to attend

⁵² Coleman, *A History of Political Thought*, p. 119.

⁵³ Following Bonaventure, the majority of Franciscans rationalized their doctrine of poverty by conceptualizing the pope as Christ's vicar on earth; the pope represented Christ as the owner and adjudicator of all temporal property: Coleman, *A History of Political Thought*, pp. 122–23.

⁵⁴ For Coleman's full analysis of *De potestate*, see Coleman, *A History of Political Thought*, pp. 118–33.

⁵⁵ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 27.

a Roman council. The purpose of this assembly was ostensibly to deliberate the King's deposition,⁵⁶ and *Ausculda fili* directly references the papal summons.⁵⁷ Philip's response was to command that the French clergy remain at home. In his thirty-seventh argument John asserts that given warrantable conditions a king does indeed possess the right to issue such a command. An interesting facet of John's counter-argument, however, is that John frames the introduction to his response not by referencing the title of 'king' but instead the distinct title of 'emperor'.⁵⁸ Although following this initial reference John argues only for the rights of 'kings' and 'princes', elsewhere in his tract John repeatedly invokes the title of emperor. Indeed, John seems interested not only in reminding his readers of the imperial title — the more notable because in John's time there was no reigning emperor — but more importantly, of describing a specific imperial prerogative: for John the emperor is the foremost temporal ruler with the legitimate authority to check any abuse of papal power. The second allusion in *De potestate* to *Ausculda fili* (addressed by argument 38) concerns a king's right to collate to benefices. This issue was of specific interest to clerics to whom Philip had collated benefices, because in *Ausculda fili* Boniface had threatened to deprive such clerics of these royally conferred positions.⁵⁹ In passing, it is perhaps unsurprising to note that Boniface's ill-considered threat was emphasized in the French court's forged version of *Ausculda fili*, *Deum time*.⁶⁰ The main point, however, is that both of *De potestate*'s likely references to *Ausculda fili* are highly significant, not simply because in each John defends the rights of temporal rulers, but more importantly because together they strongly imply that *De potestate* was written after *Ausculda fili* was promulgated. Simply stated, John's references appear strong proof that *De potestate* dates to the second and crucial phase of the clash.

Although these likely references to *Ausculda fili* are difficult to reconcile with any assertion that John may have written *De potestate* before the crucial phase of

⁵⁶ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, pp. 19–22.

⁵⁷ Boniface VIII, *Ausculda fili*, ed. by Dupuy; English translation: Tierney, *The Crisis of Church and State*, pp. 185–86.

⁵⁸ The heading of John's counter-argument is 'Quod vero trigesimo septimo opponitur postea de episcopis vocatis a papa qui remanserunt de mandato imperatoris et super hoc reprehenduntur a papa': *De potestate*, c. 20 (Leclercq, p. 238; Bleienstein, p. 177).

⁵⁹ In *Ausculda fili* Boniface asserts that 'the bestowal of churches or of dignities, offices, benefices and canonries does not and cannot belong to you, nor can anyone acquire any right in them from your bestowal except by the authority and consent, tacit or expressed, of the apostolic see'; English translation: Tierney, *The Crisis of Church and State*, p. 186.

⁶⁰ Dupuy, *Deum time*; English translation: Tierney, *The Crisis of Church and State*, p. 187.

the clash, there is one interesting possibility. Karl Ubl has argued convincingly that there were three successive redactions of the text of *De potestate*.⁶¹ If Ubl is right, then Coleman's hypothesis, that John wrote *De potestate* as a series of tracts and at different times, is clearly incorrect. Significantly, however, Ubl's conclusion does suggest that *De potestate*'s allusions to *Ausculda fili* could have been added during the revision process. John's forty-two arguments are divided into seven blocks of six, where the two arguments alluding to *Ausculda fili* occur sequentially in the very last block. It is possible that John appended this final block of arguments to *De potestate*'s original draft. It then follows that *Ausculda fili* may well have been promulgated after John had composed most of the tract. This would mean the majority of *De potestate* was composed before the clash between Philip and Boniface reached its crucial phase. Although John undoubtedly cites events that date to the clash, his treatment of these events suggests that his interest in them is simply as new and unique examples to further clarify his theory. Indeed, it will later be shown how argument 38 explains that temporal rulers have the right to collate to benefices, but that only spiritual rulers have the right to tithe. This explanation seems more a rationalization of respective prerogatives than a defence of royal rights. Thus, while John does use examples related to the clash, he might well have begun working on his theory well before the height of the clash, and for reasons other than addressing the clash directly. On a related note, *De potestate*'s tone is direct and measured, and its arguments are systematic. The tract, in other words, appears to have been edited carefully and/or revised. This contrasts starkly with *De ecclesiastica potestate*, whose style has been characterized by its modern editor Robert Dyson as 'prolix'. This has led Dyson to conclude that Giles likely composed his tract 'in haste and with little or no revision' for immediate use in the clash.⁶² Furthermore, Dyson, also the most recent editor of *De regimine christiano*, has noted that even James's relatively coherent tract bears 'some marks of hasty composition'. Dyson has similarly attributed these to the tract's intended use in the Franco-papal dispute.⁶³

As already stated, questioning the conventional dating of *De potestate*'s composition is largely speculative, and the exact date of the tract's composition may remain forever elusive. Moreover, challenging the traditional interpretation of *De potestate* simply by challenging the accepted dating of the tract merely sug-

⁶¹ Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie'; Ubl and Vinx, 'Kirche, Arbeit und Eigentum'; Lambertini, 'John of Paris', pp. 632–33; Canning, *Ideas of Power*, p. 49.

⁶² Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, p. xx.

⁶³ James of Viterbo, *On Christian Government*, trans. by Dyson, p. xix.

gests that John had motivations other than the clash. Far more compelling reasons to believe that *De potestate* was not composed for the clash are derived from an assessment of the tract's 'royalist' perspective. In *De potestate* John claims, indirectly, that a temporal ruler may act alone and with force to depose an errant pope.⁶⁴ This indirect assertion of John's has been emphasized by historians who believe John's tract supported Philip's agenda: the French king certainly sought justification for Boniface's deposition.⁶⁵ Indeed, one piece of 'hard' evidence that suggests John supported Philip is John's signature on a royal petition calling for Boniface to stand trial before a general council in France. William Courtenay has, however, illustrated that John may have had little choice in signing the petition.⁶⁶ Whether or not John was pressured into signing the King's petition, the scholar was doubtless critical of aspects of Boniface's papacy. Certainly, John was critical of the hierocratic theory embraced by the Pope. Yet John's criticism of absolute papal power was not necessarily based upon any support of the royal cause. Indeed, John's Aristotelian-Thomist leanings made him naturally opposed to any arbitrary exercise of power. It is therefore interesting that historians who embrace a 'royalist' interpretation of *De potestate* pass over the fact that John appears critical not only of popes, but also of temporal rulers — including kings — that exceed or abuse their authority.

To appreciate the extent to which John's conceptualization of royal power does not align with that of Philip, one need only compare *De potestate's* theory to the King's agenda. Admittedly, there is a historiographical debate regarding French royal objectives. For instance, historians who follow Joseph Strayer view Philip as a deliberate 'state builder'.⁶⁷ Yet recently historians including Jean-

⁶⁴ This is probably the most well-known claim made by John: 'Similiter vero de papa ubi delinqueret in temporalibus quorum cognito ad principem saecularem pertinet, ut si mutaret ad usuras vel mutuanibus faveret praecipue quae per leges civiles sunt prohibita, imperator si esset haberet ipsum primo iure corrigere immediate monendo et puniendo, nam ad principem pertinet omnes malefactores corrigere primo iure [...] Et dico quod primo iure habet imperator, ratione delicti praecipue civilis, papam immediate corrigere', *De potestate*, c. 13 (Leclercq, pp. 214–15; Bleienstein, p. 139).

⁶⁵ In the March 1303 Estates General, Philip's chief minister William of Nogaret accused Boniface of simony and heresy. In the June 1303 Estates General, while Nogaret was en route to arrest Boniface, his replacement William of Plaisians particularized the accusations into twenty-nine specific charges and announced that he would act as prosecutor in a trial of the Pope. See John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, pp. 32–33.

⁶⁶ Courtenay, 'Between Pope and King', p. 599.

⁶⁷ It was Strayer's contention that both Louis IX and Philip IV promoted the sacredness of France, the French people, and the French king in a calculated manner to solve a central

Philippe Genet, Willem Blockmans, and John Watts have preferred to rationalize both Philip's actions and the coalescence of the French kingdom in terms of socio-economic, cultural, and structural transformations.⁶⁸ For the purposes of this article, however, the debate regarding the French court's exact aims is arguably of limited relevance, for Philip's means are readily apparent. Firstly, the King was interested in territory. Philip's dedication to consolidating his realm is apparent in his campaigns to secure Aquitaine and to subdue Flanders. Secondly, Philip was anxious to establish a firm connection between God and the Capetian dynasty. This intent is best demonstrated by the campaign the King undertook to have his grandfather Louis IX canonized. And thirdly, Philip appears adamant that all inhabitants of the French kingdom owed their primary allegiance to their Christian king, whose jurisdiction extended to include judgement in strictly spiritual matters. This third point is highlighted by Philip's actions towards the clergy in both phases of the clash: firstly, the King's taxation of the French clergy for 'defence of the realm', and secondly, Philip's arrest of the Bishop of Pamiers for crimes that included, alongside treason, both heresy and blasphemy.

In exploring John's position with regard to Philip's territorial claims, it is worth evaluating his use of Aristotelian language and concepts. In particular, it is interesting to compare John's language to the royalist argument made by Thomas Renna. Renna contends that John only employed the term *populus* in order to justify royal prerogatives theoretically.⁶⁹ Consequently, Renna claims that John had no intention of granting the *populus* any real political power, and Renna's conclusion is therefore that French royalists 'welcomed Aristotle's notions of the natural political community'.⁷⁰ Although John's definition of the *populus* is admittedly vague, Renna's confident assumption completely disregards John's Aristotelian conceptualization of a kingdom's natural boundaries. In Chapter 3 of *De potestate*, John mirrors Aristotle's *Politics* by stating plainly that plural political communities exist due to 'different climates, languages and conditions of peoples'.⁷¹ Philip, however, could never have embraced these crite-

'problem of state-building'. For this view, see Strayer, 'The Laicization of French and English Society'; Strayer, 'France: The Holy Land'.

⁶⁸ For an overview of this school of thought, see Watts, *The Making of Politics*, pp. 1–42. See also Genet, 'L'État moderne'; Blockmans, 'Voracious States and Obstructing Cities'.

⁶⁹ For further details, see Renna, 'The *populus* in John of Paris' Theory'.

⁷⁰ Renna, 'Aristotle and the French Monarchy', p. 324.

⁷¹ John states, 'Non sic autem fideles omnes necesse est convenire in aliqua una politia

ria, as they effectively rationalized the division of Capetian France. For one, the kingdom encompassed distinct climatic zones, from the mild Mediterranean south to the more extreme north. Furthermore, there was a pronounced language border along the River Loire, separating the Occitan speakers of the south from the French-speaking north. Indeed, John's Aristotelian rationalization of legitimate political boundaries completely undermined Philip's claims of legitimate lordship over the south-western region of Aquitaine.⁷² In Chapter 3 John also cites Saint Augustine's claim from *De civitate Dei* that societies were better ruled when 'the authority of each realm was confined within its own frontiers'. Immediately after this passage John recalls Augustine's criticism of Rome's 'ambition to dominate' and of its 'injurious provocation of others'.⁷³ These excerpts certainly appear unsupportive of the French court, which was not only asserting itself in Aquitaine but also attempting to subjugate the rebellious county of Flanders. Indeed, the conventional dating of *De potestate* coincides with the French disaster at the Battle of the Golden Spurs (Courtrai, 11 July 1302), regarding which Philip's court would have been understandably sensitive.

Consider, secondly, John's implication that an element of popular consent exists in legitimate kingship. Granted, the extent of this consent is ambiguous, as is John's definition of who exactly comprised the *populus*. However, John quite clearly contends that God acts directly through the people to designate a king.⁷⁴ The notion that 'divine' royal power was ultimately dependent upon

communi, sed possunt secundum diversitatem climatum et linguarum et condicionum hominum esse diversi modi vivendi et diversae politiae': *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, p. 83); English translation: Watt, p. 86.

⁷² Coincidentally, this kind of Aristotelian-based argument, albeit with a different end in mind, was also employed by another contemporary tract author. Pierre Dubois, a self-serving pamphleteer and fellow graduate of the University of Paris, authored a number of works including a two-part tract entitled *De recuperatione terre sancte*. Dubois implied that different lands required different rulers in the first part of *De recuperatione terre sancte*, which, ironically, was addressed to Philip's rival Edward I of England: Jones, 'Rex Francie', pp. 61–63. Concerning Dubois's attendance at the university, see *ibid.*, p. 50, n. 2.

⁷³ John states, 'Augustinus etiam IV *De Civitate Dei* dicit quod melius et magis pacifice regebatur res publica cum uniuscuiusque regnum suae patriae terminis finiebatur. Et ibidem etiam dicit quod causa dilatationis imperii Romani fuit ambitio propria dominandi vel provocans iniuria aliena': *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, pp. 83–84); English translation: Watt, p. 87.

⁷⁴ For example, John states, 'cuius est se subicere cui vult, sine alterius praeiudicio [...] nam populus facit regem': *De potestate*, c. 15, argument 9 (Leclercq, p. 222; Bleienstein, p. 151). See

the people for its legitimacy would certainly not have been acceptable to Philip. As several historians including Joseph Strayer have detailed, the Capetian kings — and Philip especially — continuously promoted their dynasty as a line of divinely instituted ‘semi-sacred personage[s]’.⁷⁵

The third — and possibly best — argument that John did not develop ‘theory’ to support the royal court in its clash with the papacy derives from the limits *De potestate* places upon royal jurisdiction. Indeed, two prime examples of John’s ambivalence to Philip’s cause involve the very two issues responsible for each phase of the clash. Consider first Philip’s exceptional tax of the clergy to which Boniface objected in the papal bull *Clericis laicos*. Ostensibly for defence of the realm, the tax was used to fund Philip’s war against Edward I over Aquitaine. Although John is clear that the state may legitimately tax the Church on its temporal property, the implication is that these are the same taxes that apply to all of a kingdom’s property owners.⁷⁶ On the rights of kings to tithe, however, John agrees with the principles of canon law. In his thirty-eighth argument John first asserts that the ‘right to tithe’ is ‘annexed to the spiritual’. John continues by stating that ‘since spiritual function is not for laymen, neither is this right, though the material fruits called tithe may belong to a layman *by grant of the Church*’.⁷⁷ Furthermore, in the same argument John reasons that endowments to the Church are only a burden on the patron, as it is the patron who bears the burden of their defence.⁷⁸ Indeed, John’s denial of the king’s right to tithe

also ‘Ergo potestas regia nec secundum se nec quantum ad executionem est a papa, sed est a Deo et a populo’: *ibid.*, c. 10 (Leclercq, p. 199; Bleienstein, p. 113).

⁷⁵ Strayer, *The Reign of Philip the Fair*, pp. 387–88. For further reading on Philip’s conception of his rule, see Strayer, ‘France: The Holy Land’; Brown, ‘The Case of Philip the Fair’, pp. 219–38.

⁷⁶ John cites Pope Urban’s interpretation of Matthew 17. 24–27: ‘Urbanus etiam papa adducit hanc auctoritatem de didrachmate in ore piscis invento ad ostendendum quod omnes clerici et ecclesiae tenentur solvere tributum imperatori de exterioribus bonis’, *De potestate*, c. 8 (Leclercq, p. 192; Bleienstein, p. 101). The implication is that this is also John’s position.

⁷⁷ ‘Et ideo sicut spirituale officium non competit laico, ita nec ius praedictum, licet fructus corporales qui nomine decimarum appellantur laico convenire possunt de concessione ecclesiae’: *De potestate*, c. 20 (Leclercq, p. 240; Bleienstein, p. 181); English translation: Watt, pp. 214–15 (my emphasis).

⁷⁸ John provides two statements on the matter: ‘Quod dicitur quod dos non debet esse onerosa, respondeo: Non ex hoc efficitur dos onerosa nisi patrono cui incumbit onus defensionis; ecclesiae vero non est onerosa, cum plus ex hoc habeat commodi quam incommodi [...]. Nam quamvis praeiudicare videatur episcopis, qui privantur collatione beneficiorum quae de iure communi eis debetur, tamen ecclesiae aliunde ex hoc emolumentum accipiunt prae-

is particularly significant as these passages occur alongside his adamant defence of the king's right to collate to benefices. The implication of John's argument is that if the king collates a cleric of his choice to a Church benefice, then the king assumes full liability for the welfare of both the cleric whom he appointed as well as those in that cleric's care. Moreover, the king's responsibility includes the clergy's defence, for which the king is not entitled to tithe without first being expressly granted permission by the Church.

Now consider Philip's arrest and trial of Bishop Bernard Saisset on charges of heresy, blasphemy, and treason. This event instigated the second and crucial phase of the Franco-papal clash. Had John written *De potestate* for Philip, surely he would have addressed this specific point explicitly. Indeed, one would think a 'royalist' tract would grant Philip certain rights over the French clergy. Instead, John's theory appears to actually separate the jurisdictions of Church and state in such a way that all members of the clergy necessarily fall under papal, not royal, jurisdiction. Granted, John's theory implies that a bishop may fall under temporal jurisdiction if he is accused of a strictly civil crime, such as the charge of treason against Saisset.⁷⁹ And Philip might well have argued, both on the basis of his own legislation and Louis IX's ordinance of 1269, that, similarly, blasphemy should be considered a civil crime.⁸⁰ The logic that underscores *De potestate*, however, dictates that the ecclesiastical crime of heresy, at least, would unquestionably fall under the jurisdiction of the pope.⁸¹

John's assertion that a temporal ruler may depose a pope by force, but that a pope may only verbally censure a prince,⁸² has led many historians to believe

ponderans ratione defensionis et dotationis et fundationis', *De potestate*, c. 20 (Leclercq, p. 241; Bleienstein, pp. 181–82).

⁷⁹ This implication comes from John's division of jurisdictions, whereby temporal rulers have cognizance over temporal crimes. This would then logically extend to include the temporal crime of treason.

⁸⁰ For Philip's legislation, see Boutaric, *La France sous Philippe le Bel*, pp. 81–82. Concerning Louis's ordinance, see Richard, *Saint Louis*, ed. by Lloyd, trans. by Birrell, p. 161.

⁸¹ John is very careful to divide jurisdictions, even in the instance of crimes that have both temporal and spiritual components. For instance, concerning legacies, John states that cognizance of heretics belongs to ecclesiastical judges, but the duty of enforcing any forfeiture or restitution (in other words the temporal aspect of the ecclesiastical penalty) pertains to the temporal ruler: *De potestate*, c. 17, argument 19 (Leclercq, pp. 224–25; Bleienstein, pp. 155–56).

⁸² At the theoretical heart of John's tract, he states, 'De potestate vero correctionis seu censuræ ecclesiasticæ sciendum est quod non est nisi spiritualis directe, quia nullam poenam

that *De potestate*'s theory was deliberately composed to support Philip in his clash with Boniface. Thomas Renna, a particularly outspoken proponent of this interpretation, has even implied that John deliberately packaged his tract as a *via media* to lend it an appearance of impartiality.⁸³ This contention highlights a problem with a royalist interpretation: a failure to identify John's intended audience convincingly. More problematic, however, are the historians who appear to have read *De potestate* with a royalist prejudice and have thus ignored the perfectly logical form of John's theory itself. *De potestate*'s theory has two notably original aspects. One is the manner by which power is divided between temporal and spiritual rulers. Here, John rationalizes that not only do princes and popes have distinctly separate responsibilities, but also that both exist equally under God.⁸⁴ Equally important, however, is John's radical reconfiguration of Saint Bernard's 'two swords' theory. In John's version, the pope and the emperor each possess a sword. These swords are the legitimate power that each possesses to ensure that the other exercises his power strictly towards its proper end. Perhaps John's most radical concept, which he articulates using Aristotle's idea of the 'common good', is that temporal power and spiritual power are wielded, respectively, for the natural and supernatural welfare of the people.⁸⁵ It therefore follows, logically, that 'the people' ought to constitute the medium through which God indicates his chosen leaders. For John, God empowers all persons with authority through the people. This legitimization by the people occurs for

in foro exteriori potest imponere nisi spiritualem': *De potestate*, c. 13 (Leclercq, p. 214; Bleienstein, pp. 137–38).

⁸³ Renna contends that John was 'a serious pragmatist who rummaged Aquinas's writings in search of usable texts' and that *De potestate* was 'the most formidable tract from the royalist side [...] because its two-power theory appeared the most even-handed': Renna, 'Aristotle and the French Monarchy', pp. 321–22.

⁸⁴ John states, 'sed ambae oriuntur ab una suprema potestate, scilicet divina': *De potestate*, c. 5 (Leclercq, p. 184; Bleienstein, p. 88). See also 'Et major est imperator in temporalibus non habens super se superiorem sicut papa in spiritualibus': *ibid.*, c. 10 (Leclercq, p. 195; Bleienstein, p. 106). He goes on to note, 'sed sicut spiritualis immediate a Deo, ita et temporalis': *ibid.*, c. 10 (Leclercq, p. 197; Bleienstein, p. 111).

⁸⁵ 'Circa primum sciendum est quod regnum proprie acceptum sic potest definiri: Regnum est regimen multitudinis perfectae ad commune bonum ordinatum ab uno': *De potestate*, c. 1 (Leclercq, p. 176; Bleienstein, p. 75). John states the pope is 'sed cum sit dispensator bonorum communis in quo requiritur bona fides, non habet sibi collatam potestatem super bonis ipsis nisi ad necessitatem vel utilitatem ecclesiae communis': *ibid.*, c. 6 (Leclercq, p. 188; Bleienstein, p. 95); 'quia cum papa praesit propter ecclesiam': *ibid.*, c. 15 (Leclercq, p. 257; Bleienstein, p. 206).

popes,⁸⁶ bishops,⁸⁷ emperors,⁸⁸ and kings.⁸⁹ The legitimate power of the pope, for instance, is received from God by the expression of His will through the College of Cardinals. Similarly, the power of the emperor is legitimized by the expression of God's will through the people and the army. The implication of John's theory is that tyranny, therefore, occurs when rulers act against the will of the people. Notably, although John seems intent that temporal rulers and spiritual rulers may act to depose one another for despotism, this action must also occur through the will of the people. At the very least a temporal ruler requires the sanction of the College of Cardinals.⁹⁰ And, therefore, a pope must necessarily operate through the people to depose a king, for popes wield no coercive force. Indeed, a key facet of John's 'two swords' theory is the type of power each ruler wields, which is based upon the ultimate end for which John understands each ruler to be responsible.⁹¹ Temporal rulers care for the worldly good of the people, for which they are granted the use of force. Conversely, the pope is responsible for the spiritual welfare of the people, for which he is granted the

⁸⁶ 'Igitur quamvis papatus sit in se a solo Deo, tamen in hac persona vel illa est per cooperationem humanam, scilicet per consensum electi et eligentium': *De potestate*, c. 15 (Leclercq, p. 255; Bleienstein, p. 202).

⁸⁷ 'Sed potestas praelatorum non est a Deo mediante papa, sed immediate, et a populo eligente vel consentiente': *De potestate*, c. 10 (Leclercq, p. 199; Bleienstein, p. 114).

⁸⁸ 'nam populus facit regem et exercitus imperatorem': *De potestate*, c. 15 (Leclercq, p. 222; Bleienstein, p. 151). John states, 'Sed imperator habet executionem non quidem a papa, sed a Deo': *ibid.*, c. 10 (Leclercq, p. 199; Bleienstein, p. 112); 'praecipue quia imperio non succedunt ut heredes, sed ab exercitu et populo rite eliguntur': *ibid.*, c. 19 (Leclercq, p. 235; Bleienstein, p. 172).

⁸⁹ 'Ergo potestas regia nec secundum se nec quantum ad executionem est a papa, sed est a Deo et a populo': *De potestate*, c. 10 (Leclercq, p. 199; Bleienstein, p. 113).

⁹⁰ For example, 'Sed ad depositionem decet quod fiat per concilium generale, ut patet XXI D. Nunc autem, ubi dicitur quod convocatum fuit concilium generale ad depositionem Marcellini. Credo tamen quod simpliciter sufficeret ad depositionem collegium cardinalium, quia ex quo consensus eorum facit papam loco ecclesia, videtur similiter quod potest ipsum deponere, et si quidem fuerit causa rationabilis et sufficiens, deponunt eum meritorie': *De potestate*, c. 24 (Leclercq, p. 254; Bleienstein, pp. 201–02). See also 'posset aliquid facere in populo unde compelleretur cedere, vel deponeretur a populo': *ibid.*, c. 13 (Leclercq, p. 214; Bleienstein, p. 138).

⁹¹ 'Sicut autem natura quia non deficit in necessariis ideo non dat alicui potestatem nisi ipsi det sufficientia adiutoria per quae potentia illa modo convenienti exire potest in operationem suam': *De potestate*, c. 12 (Leclercq, p. 208; Bleienstein, p. 127).

Word of God.⁹² Indeed, it is an elegant theory, which is notably Aristotelian, yet uniquely ‘retooled’ for the dichotomous power structure of Latin Christendom.

Historians may have further misinterpreted John’s theory because it is not strictly ‘dualist’. That is, John does not absolutely separate the two powers, and therefore jurisdictional overlap necessarily exists in certain cases. It is primarily for this reason that historians in the wake of Jean Rivi  re such as Michael Wilks and Joseph Canning have defined *De potestate* as a *via media* (or ‘middle way’) between the two powers.⁹³ Certainly, the most notable instance of jurisdictional overlap exists where John allows popes and temporal rulers to act against one another if either is guilty of an abuse of power.⁹⁴ Yet John provides other examples where one power possesses some jurisdictional rights in the realm of the other. Any encroachment, however, only occurs where the jurisdictional boundaries specifically intersect. And in each example discussed by John, he unfailingly follows the logical jurisdictional separation inherent within his theory. For instance, John grants the papacy the right to judge civil cases where doctrinal clarification is required, such as usury.⁹⁵ Similarly, John concedes that a king may transfer donations from one church to another, as long as both churches fall within the king’s realm and the donation is used for its original purpose such as the relief of poverty. In the most instructive example John distinguishes separate roles for each power. This division occurs when the charge is spiritual (heresy) but has a pertaining temporal component (forfeiture). John explains

⁹² ‘Hos autem ministros ideo oportuit non angelos sed homines esse [...] ut ministri et instrumento convenirent, in quo est virtus spiritualis sub sensibili elemento, et causae principali salutis hominum verbo scilicet incarnato, quod nostram salutem propria virtute et auctoritate operatur in quantum Deus et homo’: *De potestate*, c. 2 (Leclercq, p. 179; Bleienstein, pp. 79–80).

⁹³ Jean Rivi  re set out the classic *via media* interpretation: Rivi  re, *Le probl  me de l’  glise*, pp. 281–300. Wilks contends that John was affected by the idea of a ‘Thomist synthesis’. Therefore, John refrained from absolute dualism to permit the pope as much temporal jurisdiction as he required for the maintenance of the overall well-being of the community and the good of the Christian faith: Wilks, *The Problem of Sovereignty*, pp. 143, 146. Canning underlines the cultural logic behind John’s tract as a *via media*. Canning observes that the priesthood could not be purely spiritual, as the Church was a body in need of governing. Conversely, secular rulers could not be purely temporal as they governed subjects who were also Christians: Canning, *Ideas of Power*, pp. 50–51. On this point, see also Canning’s contribution in this volume.

⁹⁴ ‘Et hoc quidem potest uterque in alterum, nam uterque papa et imperator universalem et ubique habet iurisdictionem, licet iste spiritualement et ille temporalem’: *De potestate*, c. 13 (Leclercq, p. 214; Bleienstein, p. 138).

⁹⁵ *De potestate*, c. 13 (Leclercq, p. 212; Bleienstein, p. 136).

that it is the relevant ecclesiastical judge who delivers the sentence, but it is only the relevant prince who can enforce it. If the prince fails to do so effectively, however, he can then be censured and punished by the pope.⁹⁶ Thus, although John fails to address the case of Bishop Saisset directly, in the examples provided in *De potestate* John demonstrates a pedantic concern for the logical division of temporal and spiritual jurisdictions. And unquestionably, the logic of this division dictates that the jurisdictional right to judge a bishop for both heresy and blasphemy belongs rightfully to the pope.

One final point regarding the royalist interpretation of *De potestate* concerns the style of 'print' propaganda that seems to have been favoured by the royal court. Both the well-known pamphlets *Antequam essent clerici* and *Disputatio inter clericum et militem* are critical of the clergy; both appear designed for consumption by the educated laity. As such, neither constitutes an appeal for clerical support. Rather, they aim to justify to the educated laity Philip's exceptional taxation of the Church for defence of the realm.⁹⁷ Indeed, the strategy of each tract appears twofold. Firstly, both appear to be appeals to an emergent bourgeois class that was anxious to assert itself against the old order. Secondly, both also argue that all inhabitants of the kingdom fall under royal jurisdiction. The French court's forged version of *Ausculda fili* appears to serve a similar purpose. On the one hand, *Deum time* offends lay sensibilities by exaggerating Boniface's claims; on the other, the forged bull coerces support from clerics whom Philip had collated to benefices.⁹⁸ In concert with this type of print propaganda, Philip also employed a general assembly and twice convened the novel Estates General, on each occasion galvanizing sentiment against the Pope. Significantly, at the same time Philip felt compelled to exert a substantial amount of pressure upon members of the University of Paris to sign a petition calling Boniface to trial.⁹⁹ These actions suggest that Philip heavily favoured 'practical' means over nuanced theoretical arguments. And notably, Philip appears to have appealed openly for

⁹⁶ *De potestate*, c. 17, argument 19 (Leclercq, pp. 224–25; Bleienstein, pp. 155–57).

⁹⁷ For an analysis of these two tracts, see Canning, *Ideas of Power*, pp. 18–29.

⁹⁸ Clerics whom Philip had collated to benefices and prebends actually found themselves in a precarious position. On the one hand, in *Ausculda fili* Boniface threatened to strip them of these privileges; on the other, Philip's demands threatened to do the same. That most of these French clergy complied with Philip cannot therefore be necessarily taken to imply criticism of the papacy. The compliance of these clerics may only indicate that the more immediate threats of the King carried more weight than those of a distant pope: Courtenay, 'Between Pope and King', p. 585.

⁹⁹ For John's relationship with this petition, see the prefatory essay to this volume.

support from the educated and powerful members of the laity against both the papacy and the French clergy, while simultaneously employing intimidation tactics to wrest compliance from French clerics. In short, given Philip's means, it seems unlikely the French court would have been at all interested in the type of theoretical justification for papal deposition John's tract provided, or even in gaining the support of academic clerics who might have read *De potestate*. Indeed, exactly whom *De potestate* was directed at if it were a royalist tract is a puzzling question. Only one manuscript exists from John's time, suggesting the tract enjoyed limited circulation even amongst clerics.¹⁰⁰ Similarly, no mention of *De potestate* is made in the royal register listing those documents the French court considered relevant to the clash.¹⁰¹ On the evidence considered it seems reasonable to conclude that the conventional dating of *De potestate* cannot be accepted with absolute certainty. Moreover, the tract's royalist perspective appears rather dubious. Why then might John have composed it?

De potestate regia et papali and the University of Paris

It seems reasonable to assume that the question of John's intended audience is closely connected with the question of why John composed his tract. Some illumination can be thrown on John's audience from the recent work of two scholars. In her study of John's immediate milieu, Janet Coleman argued that in *De potestate* John aimed to defend Thomism against Franciscan attacks in the mendicant conflict regarding the Franciscan doctrine of poverty.¹⁰² Meanwhile, Karl Ubl's contention is that *De potestate* was written by John in response to a quodlibet held by James of Viterbo before the crucial phase of the Franco-papal clash.¹⁰³ Notably, although Coleman and Ubl arrived at somewhat different conclusions, they each suggest that John's most likely audience were his contemporaries in the Theology Faculty of the University of Paris.

Here, it may be worth exploring the little that is known about John. An undeniable characteristic of John's is his apparent affinity for Thomism.¹⁰⁴ Much

¹⁰⁰ Paris, Bibliothèque nationale de France, MS latin 18288.

¹⁰¹ Regarding this register, now Paris, Bibliothèque nationale de France, MS latin 10919, see the prefatory essay to this volume.

¹⁰² Coleman, *A History of Political Thought*, pp. 119–24.

¹⁰³ Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie'; Lambertini, 'John of Paris', p. 632.

¹⁰⁴ In Watt's words, 'John emerges as one of those whose common range of intellectual interests, brotherhood in religion and philosophical allegiance united to form the first school

can be said of Aquinas, but here it suffices to note that the Angelic Doctor was highly influential in the dissemination of Aristotelian political language and thought.¹⁰⁵ In John's time Aristotelian ideas continued to be viewed with some suspicion, and Aquinas remained a controversial scholar. The distinct possibility that John composed his *Correctorium corruptorii* 'Circa' before he joined the Dominican order is therefore significant,¹⁰⁶ as it not only defended Aquinas's theology, but also appeared only a few years after a number of propositions, several of which were attributed to Aquinas, had been banned at Paris.¹⁰⁷ This point has two implications. On the one hand, it suggests that John was a somewhat maverick academic. John certainly continued to court controversy with his tract concerning the coming of the Antichrist, and in 1304 he found himself in serious trouble for his views regarding the Eucharist.¹⁰⁸ On the other hand, the Dominicans at Saint-Jacques appear to have accepted and even championed John, who when elevated to the position of Dominican regent master occupied the same position formerly filled by Aquinas. Indeed, the university environment not only encouraged theological speculation, but individual scholars who were controversial yet exceptional seem to have enjoyed a certain notorious prestige. However, it is not unrealistic to believe that as a controversial Aristotelian-Thomist academic, John would have possessed a heightened awareness of the threat that a hierocratically inclined papacy posed to the kind of theological speculation in which many Parisian theologians were interested. In consequence, John was likely to have been concerned about the future of controversial scholarship, as well as with the 'intellectual autonomy' of the university as an institution.

The University of Paris was a dynamic institution during John's time. Over the course of the thirteenth century the university had cemented its reputation as Latin Christendom's foremost centre of theological enquiry. Indeed, the recognition the university enjoyed is demonstrated by the concessions it was granted by both the papacy and the French crown.¹⁰⁹ Admittedly, there is some

of Thomism': John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 10.

¹⁰⁵ Much has been written on this subject. For example, see Ullmann, *Medieval Political Thought*, pp. 174–85. See also Wilks, *The Problem of Sovereignty*, pp. 118–20.

¹⁰⁶ The *Correctorium corruptorii* 'Circa' is dated c. 1285. For the suggestion that John may not have joined the Dominican order before 1290, see the prefatory essay to this volume.

¹⁰⁷ Leff, *Paris and Oxford Universities*, p. 228.

¹⁰⁸ John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt, p. 10.

¹⁰⁹ Leff, *Paris and Oxford Universities*, pp. 27–34. See also Courtenay, 'Between Pope and

question concerning the institution's political independence at the turn of the fourteenth century. Sophia Menache, for instance, contends that the Franco-papal clash occurred at a time when the university was relatively independent.¹¹⁰ Conversely, Gordon Leff has appraised the period as a turning point in the university's loyalties, which shifted from the papacy to the royal court.¹¹¹ It is telling, however, that Philip found it necessary to exert substantial pressure upon the university's members to have them sign the 1303 petition. Parisian academics, as a whole, cannot be considered mere puppets of the French crown.¹¹² There are two further interesting aspects regarding the university. The first is that the institution's members believed that the University existed primarily as Latin Christendom's focus of speculative thought and to act as arbiter of orthodox Christian doctrine.¹¹³ Secondly, the Parisian masters had attained a certain level of prestige, meaning their views carried considerable weight. Illustrative of the authority accorded to the university's masters are the instances in which an outside party sought their support on a controversial issue. For example, the masters were approached for their views by the French bishops concerning mendicant privileges.¹¹⁴ They were also petitioned by the Colonna cardinals concerning the legitimacy of Pope Celestine's abdication.¹¹⁵ And they were utilized by the French crown during the trial of the Templars for heresy.¹¹⁶ Thus, given their prestige and influence, it is arguable that the majority of the masters were at least somewhat invested in maintaining the university's stature and reputation, the integrity of which would necessarily involve a measure of institutional independence.

King', pp. 587–88.

¹¹⁰ Menache, 'La naissance d'une nouvelle source d'autorité'. See also Wei, 'The Masters of Theology', p. 39.

¹¹¹ Leff, *Paris and Oxford Universities*, pp. 48–49. Richard W. Southern considers harmonious relations between the university and the papacy to have gradually broken down from as early as 1215: Southern, 'The Changing Role'.

¹¹² William Courtenay has suggested the Parisian scholars were under substantial royal pressure to sign the petition. Moreover, Courtenay discusses the prestige of the university and alludes to the political influence that Philip had hoped to secure from the institution through the grant of privileges: Courtenay, 'Between Pope and King', pp. 587–88.

¹¹³ Leff, *Paris and Oxford Universities*, pp. 1–2.

¹¹⁴ Wei, 'The Masters of Theology', pp. 45–46.

¹¹⁵ Wei, 'The Masters of Theology', pp. 53–56.

¹¹⁶ Crawford, 'The Involvement of the University', p. 129.

The university's internal factionalism must have been a cause for concern for its members. One university division resulted from the Franciscan doctrine of poverty and had in effect resulted in two ruptures. Firstly, the university's 'Thomist'-inclined Dominican and 'Augustinian'-inclined Franciscan scholars exchanged fire over the theology underpinning the Franciscan doctrine. Secondly, the Franciscans themselves had divided in a way that would also affect university debates. The majority followed Bonaventure and maintained a close relationship with the papacy; the Spirituals rejected Bonaventure's interpretation in favour of what they perceived was the true expression of *usus pauper*.¹¹⁷ Consequently, in the mid-1290s the Spirituals formed an unlikely alliance with the Colonna cardinals due to their mutual animosity toward Boniface. On one side, the Roman aristocratic families of the Colonna and of Gaetani were involved in a long-standing dynastic feud.¹¹⁸ Upon becoming pope, the don-like Boniface had openly exploited his papal power to persecute members of the Colonna. One Colonna reaction was to agitate at the university for theories that might justify Boniface's removal. On the other side, the Spirituals had lost a significant ally when Pope Celestine V abdicated. Their anger towards Boniface was due to his alleged involvement in, and highly questionable conduct during, the affair.

The Dominican-Franciscan dispute and the inter-Franciscan division, however, were not the only reasons for factionalism at Paris. A wholly separate yet far more volatile 'in-house' dispute was ongoing between the mendicant academics as a group and the university's secular scholars. Essentially, the conflict concerned grants by the papacy of privileges to the mendicants. Illustrative of the animosity between mendicant and secular scholars is that at one point during the later thirteenth century the rift had almost dissolved the university itself.¹¹⁹ This secular dissent over mendicant encroachment was exacerbated by the loss of revenues to seculars due to mendicant ministrations. The existing dispute had exploded in 1281 with the promulgation by Pope Martin IV (r. 1281–85) of *Ad fructus uberes*, which allowed mendicant friars to both preach and hear confessions without episcopal sanction.¹²⁰ *Ad fructus uberes* raised significant protest

¹¹⁷ For a brief overview, see Lawrence, *The Friars*, pp. 57–64. For a detailed account, see Lambert, *Franciscan Poverty*, pp. 157–95.

¹¹⁸ Boase, *Boniface VIII*, pp. 159–85.

¹¹⁹ Leff, *Paris and Oxford Universities*, pp. 44–47. See also Rashdall, *The Universities of Europe in the Middle Ages*, ed. by Powicke and Emden, I, 382–84.

¹²⁰ Wei, 'The Masters of Theology', p. 44.

among the secular Parisian masters and further strained relations between the university's secular and mendicant factions. An important aspect of *Ad fructus uberes* was its perception by many seculars as a transparent papal tactic to centralize papal power at the expense of local clerical autonomy. This perception manifested itself in the ensuing academic debates held at the university, in which the secular masters argued for the autonomy of bishops within their own dioceses.

One highly interesting facet of the conflict over mendicant privileges concerns the personal involvement and imperious attitude of Boniface himself. In 1290, following the decade of academic conflict that had resulted from *Ad fructus uberes*, Pope Nicholas IV (r. 1288–92) dispatched Benedict Gaetani to Paris to settle the dispute. In a style typical of his later papacy, Cardinal Gaetani denigrated the secular Parisian masters as impious and foolish and accused them of 'filling the world with noxious doctrine'.¹²¹ T. S. R. Boase has discussed how this particular attack by Gaetani was severe enough to resurface in later animosity within the Curia after Boniface became pope.¹²² Similarly, Ian Wei has explored how the Colonna cardinals exploited the Pope's prior humiliation of the Parisian masters to instigate several university disputations. While ostensibly addressing Church government, these disputations were a thinly veiled attempt by the Colonna to have the Parisian masters articulate a theory to justify Boniface's deposition. Two resulting quodlibets — held by Godfrey of Fontaines in 1295 and Peter of Auvergne in 1296 — argued that the 'final cause' of the papal office was the 'good of the people' and, furthermore, that a pope may be deposed by a general council should he either scandalize or fail to serve the Church.¹²³ Notably, in *De potestate* John articulates concerns that are strikingly similar.¹²⁴ Indeed, both *De potestate* and the Colonna manifesto criticize the papal appointment of churchmen to vacant Church offices when such appointments are carried out strictly for the pope's own personal power or profit.¹²⁵ The format of a university quodlibet is also of particular interest. During a

¹²¹ Wei, 'The Masters of Theology', p. 49.

¹²² Boase, *Boniface VIII*, pp. 19–23.

¹²³ Wei, 'The Masters of Theology', pp. 51–59.

¹²⁴ For example, 'ita si appareret quod papa bona ecclesiarum infideliter detraheret, non ad bonum commune cui superintendere tenetur, cum sit summus episcopus, deponi posset, si admonitus non corrigeretur': *De potestate*, c. 6 (Leclercq, p. 188; Bleienstein, p. 95).

¹²⁵ In the Colonna cardinals' Third Manifesto, Boniface is accused of 'reserving the appointments [to vacant churches] to the judgment of his disordered will': Denifle, 'Dritte Denkschrift der Colonna'; English translation: Tierney, *The Crisis of Church and State*, p. 177.

quodlibet session a master would commonly address several different and often only tangentially related issues. Furthermore, as the questions that were considered came from an open audience, they usually concerned subjects that were topical and controversial.¹²⁶ Thus, the 'disjointed' structure of John's tract — its three-part layout, discussed above — seems logical if *De potestate* was drafted as an academic response to a hierocratic quodlibet. This is the very explanation given by Karl Ubl and Lars Vinx for why John wrote the first redaction of his tract, suggesting that the impetus behind *De potestate* originated within a university context.

De potestate's proemium arguably provides the best indication of John's audience. John's references in the *proemium* to the Herodian and Waldensian 'errors' likely alludes to the factions within the Franciscan order.¹²⁷ John's reference to Herod, who mistakenly believed Christ was a human king, probably refers to the majority of Franciscans. They could be viewed as maintaining that Christ was a human king who had conferred his lordship over all temporalities on the papacy. Indeed, the Franciscan minister general Bonaventure had employed this interpretation to argue, with regard to the Franciscan doctrine of poverty, that the pope effectively 'owned' the goods that the Franciscan friars merely 'used'. Conversely, John's reference to the 'Waldensian error' is probably an allusion to the austere splinter faction of Spiritual Franciscans. The Waldensian leader Peter Waldo (d. c. 1218) had embraced voluntary poverty and itinerant lay preaching in a fashion similar to Saint Francis. However, the Waldensians had been among those groups declared heretics in 1184 by Pope Lucius III (r. 1181–85). In 1296 Boniface had similarly denounced the Spiritual Franciscans as heretical. Interestingly, the first three chapters in Part 2 of Giles of Rome's *De ecclesiastica potestate* have been appraised as an attack upon the Spiritual position.¹²⁸ Thus, with John's concession in *De potestate* that the 'Waldensian error' is one that 'everyone would agree [...] is false', he appears freely in accord with the hiero-

John's very first reason for warning or conditionally deposing a pope is if the pope were 'Si vero in spiritualibus delinquat papa, beneficia simonice conferendo, ecclesias dissipando, privando personas ecclesiasticas et capitula iuribus suis': *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 140). In raising the issue of the abuse of papal power, John notes, 'De potestatis vero suae abusu et de personali suo defectu, an scilicet praebendas conferat pro necessitate ecclesiae communi vel pro suo privato bono': *ibid.*, c. 22 (Leclercq, p. 249; Bleienstein, p. 193).

¹²⁶ Wei, 'The Masters of Theology', pp. 39–40.

¹²⁷ Coleman, 'The Intellectual Milieu', pp. 180, 185.

¹²⁸ Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, pp. xxviii–xxix. See also Jones, 'Giles of Rome, Political Thought', p. 421.

crats. Concerning the majority Franciscan position, however, John reprimands 'certain moderns' for defending the argument that Christ's kingship extended over temporal goods and that this lordship now resides with the pope. By contrasting these errors, and by conceding one point in order to focus upon the other, John signals that his theory is aimed at specific hierocratic arguments made by his contemporaries within the University of Paris. Further, by noting that any attack on the hierocratic position is always understood by hierocratic scholars to 'take the part of princes', John indicates that *De potestate*'s purpose is something other than to offer support for royal prerogatives. Indeed, John's criticisms of papal corruption, excess, and political interference seem to stem from elsewhere. Notably, John closes his *proemium* by remarking that theologians who use hierocratic theology simply to legitimize excessive corruption on the part of the papacy should fear the appearance of Christ 'in angry severity to cleanse his temple with a whip and turn a den of thieves into a house of prayer'.¹²⁹ This warning appears to emphasize John's reformist interest in realigning the Church with its spiritual mission.

The most fascinating aspect of the *proemium*, however, appears in the opening paragraph where John chose to address the secular-mendicant dispute over mendicant privileges specifically. Unpredictably, John reaches similar conclusions to Boniface, whose *Super cathedram* (February 1300)¹³⁰ had overturned many of the mendicants' privileges granted in *Ad fructus uberes*. Indeed, John's position on episcopal jurisdiction is stunning, as John ostensibly aligns himself with the seculars against the interests of his own Dominican order. *Super cathedram* sparked outraged protest from all mendicants, including Dominicans, as the bull effectively compromised both the prestige and revenues of all friars.¹³¹ Thus, it is worth considering why John might overtly signal in his opening paragraph that his position agreed with that of seculars on the jurisdictional right of bishops with regard to allowing mendicant ministration of the sacraments.¹³²

¹²⁹ *De potestate, Proemium* (Leclercq, p. 175; Bleienstein, p. 72); English translation: Watt, p. 73. Here John refers to John Chrysostom's commentary on the Gospel of Matthew. John returns to and explains his understanding of this passage from Matthew in *De potestate*, c. 9.

¹³⁰ The promulgation of *Super cathedram* has no bearing on the dating of *De potestate*. The mendicant-secular dispute had been ongoing and thus topical for the last half of the thirteenth century. John's was a highly controversial position regardless of whether or not the bull had been promulgated when John composed his *proemium*.

¹³¹ Boase, *Boniface VIII*, p. 192.

¹³² Yves Congar argued that Thomas Aquinas also regarded a bishop's authority as coming directly from Christ rather than the pope, which would, unsurprisingly, align John with his

There are two conceivable reasons. Probably, John favours a restructuring of Church government founded on Thomist thought. It is possible, however, that John sought to reconcile the university's Dominicans with its seculars, based upon the ideas common to both regarding the structure of Church government.

John's distinctly Dominican perspective on the structure of Church government can be seen clearly in *De potestate*. As can John's related 'Dominican' position on the ownership of property. Reflecting Saint Dominic's rejection of worldly goods as an effective means to confront the Cathar heresy, the Dominican attitude towards temporalities was subtly different from the Franciscan understanding of poverty as a spiritual end in itself. Consequently, in *De potestate* John derives the pope's relationship to temporal goods from the specific end to which the spiritual power is constituted. John states this end to be simply the provision of the sacraments to the faithful. Thus, John sees no contradiction in the ownership of property and the Church's mission. Rather, John differentiates between Church goods and personal goods and maintains that clerics, including the pope, can rightfully possess personal temporal goods, if they have been personally endowed with them or if they rightfully own them via some other means.¹³³ However, John is absolutely adamant that popes only possess administrative rights over Church goods. These goods rightfully belong to the collective Christian community, and the papacy can only designate these goods for purposes that benefit the community's common good.

Arguably, John's repeated articulation of the 'administrative' role of the papacy is a Dominican perspective that in many ways was tied to his ideas regarding an 'ideal' structure for Church government. In his study of the Dominican order, C. H. Lawrence observed that its constitution was representational to an extent unmatched by any other contemporary temporal or secular organization.¹³⁴ The Dominicans' unique structure of elected offices was representational at every level, and as a result the responsibilities of these officials directly reflected the needs of the order. Moreover, to curb any abuse of power that might come with office, all elected representatives were held accountable for their conduct. Indeed, every official up to and including the Dominican master

mentor. Charles Zuckerman, however, has disagreed with Congar's analysis. If Zuckerman's view is accepted, John's stance would be all the more surprising: Zuckerman, 'Aquinas' Conception', p. 128.

¹³³ 'Sed eis convenire potest habere talia ex concessione vel permissione principum, si ab eis ex devotione aliquid huiusmodi collatum fuerit vel si habuerint aliunde': *De potestate, Proemium* (Leclercq, p. 175; Bleienstein, p. 72).

¹³⁴ Lawrence, *The Friars*, pp. 82–83.

general could be disciplined, or even deposed, by an overseeing body of diffinitors. Interestingly, in *De potestate*, along with formulating a systemic check on popes who abuse their authority, John states specifically that a mixed constitution is the best form of Church government.¹³⁵ John also contends that the primary responsibility for correcting an incorrigible pope belongs to the College of Cardinals as they 'stand in the place of the whole clergy'. These related and repeated ideas of John's regarding representation and accountability have not gone unnoticed. Thomas Renna and James Blythe, despite their markedly conflicting readings of *De potestate*, each maintain that John appears to advocate a 'democratic' reform of the Church's administrative structure.¹³⁶

Thus, when *De potestate* is considered in John's immediate context it appears that John's theory was likely intended as a contribution to a topical university debate concerning Church government, in which John proposed and defended a uniquely 'Dominican' constitution for the Church. Furthermore, John does not appear to respond specifically to either of the hierocratic tracts. One argument that consequently arises is that Giles and James may have been actually themselves responding to Parisian arguments, including John's *De potestate*. Interestingly, Walter Ullmann has proposed as much with his assertion that *Unam sanctam* was unconnected with the Franco-papal clash. Ullmann contends that the bull was instead a response by Boniface to Aristotelian arguments emanating from the University of Paris. Ullmann has further proposed that Boniface essentially orchestrated a formidable academic defence of papal hierocratic theory against the Parisian Aristotelians.¹³⁷ Consequently both Giles's and James's tracts may not only have been responses to Parisian arguments, but ultimately part of a theological conflict that was wholly separate from the 'worldly' clash between Boniface and Philip. The theological conflict

¹³⁵ 'Sic certe esset optimum regimen ecclesiae, si sub uno papa eligerentur plures ab omni provincia et de omni provincia, ut sic in regimine ecclesiae omnes aliquo modo haberent partem suam': *De potestate*, c. 19 (Leclercq, p. 237; Bleienstein, p. 175).

¹³⁶ For example, Renna contends, 'John seeks to build an ecclesiological edifice which is representative in organization': Renna, 'The *populus* in John of Paris' Theory', p. 262. Elsewhere, Renna states, 'in Aristotle [...] John the theologian-pastor saw a rationalization for a reformed papacy and a spiritualized French clergy': *ibid.*, p. 324. Although Blythe takes exception to many of Renna's arguments, he does make the specific point that 'John wants to describe a constitution for the church which preserves the regal dignity of the pope and yet gives ultimate authority to the congregation of the faithful': Blythe, *Ideal Government*, p. 156.

¹³⁷ Ullmann asserts, 'there is no warrant for saying that [*Unam sanctam*] played a part in the conflict between the pope and Philip IV': Ullmann, 'Boniface VIII', p. 80.

that Ullmann suggests existed transpired between the 'hierocratic' papacy and the 'Aristotelian' university and was essentially a fight over the control of doctrinal interpretation.

The final point to make is that John may well have had personal concerns that influenced his arguments. As a controversial Parisian academic, John would have maintained a vested interest in university independence from both popes and kings. That John attained the status of regent master is demonstrative of both his talent and his ambition. Yet unlike contemporaries such as Giles or James, John's Aristotelian leanings would have prevented him from being called into the service of a papacy currently promoting hierocratic theology.¹³⁸ In a similar fashion, unlike contemporary lay Parisian graduates who sought positions in the service of the king — such as the French pamphleteer Pierre Dubois¹³⁹ — John's theological interests and Dominican sensibilities would have made him an unlikely retainer at the royal court. In effect, the university was the only available venue for a Dominican theologian such as John, either for intellectual expression or for personal advancement. Thus, Boniface's attitude towards the university, and a papacy that embraced hierocratic theory, must have concerned John. Certainly, a constitutionally restructured Church and a united front of Parisian academics would help ensure the university's freedom from papal interference and allow a continuation of the type of speculation that the Theology Faculty considered its very *raison d'être*.

* * *

This article has questioned the traditional interpretation of *De potestate regia et papali* by instead focusing upon its Parisian author's immediate environment. This is not an entirely novel approach, as several historians have already reconsidered *De potestate* in the context of contemporary academic disputes within the University of Paris. Indeed, to borrow a phrase from John, the various arguments I have included to support this article's conclusions are 'those that I have heard and have been able to collect'. Despite these existing arguments, some historians may still dismiss this article's conclusions as overly simplistic. Perhaps, to revisit the metaphor of crime fiction with which I began, ascribing John's motive primarily to Church reform is too much like implicating the butler; it is an obvious deduction, not to mention one that largely ignores the wider scene. In this case, the tract's wider context is dominated by the Franco-papal clash,

¹³⁸ Compare with Giles's later career: Jones, 'Giles of Rome, Political Thought', p. 418.

¹³⁹ Jones, 'Rex Francie', p. 51.

and it seems that as a direct consequence the same holds true for *De potestate*'s historiography. However, significant conflicts existed within John's immediate academic milieu that appear to provide far more plausible reasons as to why John might have formulated his unique theory. I would suggest the fact that *De potestate* appeared at the same time as the clash is merely illustrative of an embattled hierocratic papacy, which was simultaneously yet separately under attack on a variety of practical fronts. John appears to have been one of a circle of Parisian academics whose Aristotelian sensibilities made them naturally antagonistic to hierocratic ideology. Arguably, Boniface's overt worldliness — and the Church structure that enabled it — simply inflamed an existing area of theological speculation, to which the radically minded and outspoken scholar was accordingly attracted. It is perhaps time, therefore, to carefully reconsider *De potestate*'s connection with the Franco-papal clash. More importantly, historians should remain mindful of John's own 'political' environment, as well as the complex relationship that existed between the papacy and the Theology Faculty at the University of Paris.

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JOHN OF PARIS, HENRY OF GHENT, AND THE WILL AS A RATIONAL APPETITE

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John of Paris had the distinction of being an outstanding scholar in the Dominican order during a time when the Dominicans were facing considerable difficulties, brought on by censure from Church authorities as well as criticism from the Franciscan order and other scholastics. After the death of Thomas Aquinas in 1274, opposition steadily grew toward Aquinas's philosophy as well as the philosophy of other 'Aristotelian' thinkers. This opposition culminated in the Condemnation of 1277, where the Bishop of Paris, Stephen Tempier, condemned 219 propositions, many of which were meant to represent Aquinas's views. The Franciscans continued their attack on Aquinas in 1278–79, when the English Franciscan William de la Mare wrote his *Correctorium* — a work dedicated to refuting the teachings of Aquinas, which the members of the order were required to read if they were studying Aquinas.

The Dominicans responded to these attacks in the first instance by 'rallying the troops': they issued legislation in 1278 and 1279 which encouraged members of the order to support, defend, and promote Aquinas's doctrine.¹ They defended Aquinas by writing a series of attacks aimed at his critics; in the case of William de la Mare, several polemical works were written specifically answering the criticisms in his *Correctorium*, sarcastically called the '*Correctoria corruptorii*'. That John wrote one of the *Correctoria*, the *Correctorium corruptorii* '*Circa*', surely is evidence that he was seen within the order as a rising star of the next generation of Thomists.

¹ See Iribarren, 'Thomism', p. 1304.

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It is not wholly clear, of course, why John wrote the *Circa*, and his motivations for doing so have been the subject of speculation, perhaps most notoriously by F. A. Cunningham in his article 'The "Real Distinction" in John Quidort'. Here Cunningham argues that far from being a defender of Aquinas, and therefore a leading light among the early Thomists at a time of difficulty, John was actually 'opposed' to Aquinas and 'was a defector in the ranks of the early Dominicans'.² John wrote the *Circa*, according to Cunningham, as a way of using Aquinas to defend his own positions, especially those which were under attack.³

The criticisms levelled against Aquinas which John attempted to refute covered a range of topics; in this article I will focus on John's defence of Aquinas's notion of the will as a rational appetite. I want to argue here, *contra* Cunningham, that on this topic, at least, John *was* a defender of Thomism, not only in his *Circa*, written somewhere between 1282 and 1284, but also in his commentary on the *Sentences* (*Commentarium in libros sententiarum*), written sometime after the *Circa*.⁴ This is, in fact, an area much in need of research, and not only regarding John's work to defend the Thomist concept of the will: little has been done on the moral psychology found in the other *Correctoria*, such as the *Quare* of Richard Knapwell and the *Sciendum* of Robert Olford.⁵ Voluntarist attacks on Aquinas's notion of the will are very well known in the history of moral philosophy; less well known are the early Dominican responses to those attacks.

Although there were many critics of Aquinas's notion of the will, an examination of John's treatment of this topic in the *Circa* and the *Sententiarum* reveals that much of it is a veiled response to Henry of Ghent, who openly attacked Aquinas's moral philosophy, particularly throughout his *Quodlibets*, and who helped to compile the list of Bishop Tempier's condemned propositions.⁶ This examination shows, indeed, that John's defence of Aquinas on certain questions relating to the will is defined by Henry's agenda.

² Cunningham, 'The "Real Distinction"', p. 15.

³ Cunningham, 'The "Real Distinction"', p. 15.

⁴ For discussion of the dating of both these works, see the section 'Who Was John of Paris? Life, Works, and Controversies' in the prefatory essay to this volume. It is possible that John was not yet a member of the Dominican order at the time he wrote his *Circa*; whether or not that is the case, he certainly was by the time he wrote his commentary on the *Sentences*.

⁵ However, see Brungs, 'Intellekt, Wille und Willensschwäche', for a rare discussion of the theories of the will of Knapwell, Olford, and John of Paris.

⁶ Leone, 'Moral Philosophy', p. 285.

Henry's criticisms of Aquinas helped to shift scholastic discussions of the will to a very specific definition of the will as free to accept or reject a dictate from reason. John willingly engaged with this shift and deployed innovative interpretations of Thomism to show how this definition of the will was untenable. Specifically, John adapted both Aquinas's notion of the practical syllogism and his notion of the will as a rational appetite to portray Thomism as better equipped to explain the complexities of moral reasoning than a voluntarist will which can gratuitously reject reason.

Before we study John's work, however, both in the *Circa* and in the *Sententiarum*, we must first look at Henry's concepts of *liberum arbitrium* and the will, and the ways in which Henry presents these in direct opposition to Aquinas. In what follows I shall present Henry's and Aquinas's philosophies in tandem to get a sense of how Henry interprets Aquinas and how he reacts against him. This treatment of Aquinas will also aid in a later examination of how John adapts Thomism to meet Henry's specific challenges.

Thomas Aquinas and Henry of Ghent

In *quaestio* 16 of his *Quodlibet* 1, Henry gives a thorough treatment of his concept of the liberty of the human will. The question to be answered is 'Whether with a proposition from the intellect with a major and a minor good, the will is able to choose the lesser good'.⁷ According to Henry, this question gives him the opportunity to explain 'the power of the will in the use of free judgement (*liberum arbitrium*)'.⁸ Said more plainly, this question for Henry is about 'whether the will has free choice (*liber electio*) to go with the judgement of the reason or against it, *or not* but rather it is *necessary* that [the will] adhere to the judgement of reason, whether it is right or wrong'.⁹

Right away, then, we understand that Henry's discussion of the will will include the concepts of choice, freedom, and necessity. The will is associated with free choice, and the question here is not whether the will is the power in the soul that chooses, but whether the will has *free* choice. Henry defines the

⁷ 'Utrum propositis ab intellectu majori bono et minori, possit voluntas eligere minus bonum': Henry of Ghent, *Quodlibet* 1, ed. by Macken, q. 16, p. 94.

⁸ 'Ad huius quaestionis intellectum oportet videre potestatem voluntatis in usu liberi arbitrii': Henry of Ghent, *Quodlibet* 1, ed. by Macken, p. 94, lines 17–18.

⁹ 'an tunc voluntas habeat liberam electionem cum iudicio vel contra iudicium rationis, vel non sed necesse sit eam adhaerere iudicio rationis sive recto sive erroneo': Henry of Ghent, *Quodlibet* 1, ed. by Macken, p. 96, lines 49–52.

'free' in free choice as the ability of the will to act against a judgement of reason. There is, however, a broader definition of freedom at play here: more generally, freedom is set up as the opposite of necessity, for Henry wants to discuss whether the will is necessitated to act in accordance with the judgement of reason. If it is necessitated, it is not free.

Even in these opening paragraphs of *quaestio* 16, we can see Henry's disagreement with Aquinas simply by the way he frames the discussion. If what is necessitated is always in opposition to what is free, then Aquinas's definition of the will cannot even get off the ground. Aquinas too was interested in whether necessity applied to the will, and if so, how. In 1a, q. 82, a. 1 of his *Summa theologiae*, Aquinas asks 'whether the will desires something out of necessity', and here Aquinas discusses the relationship between what is necessary and what is voluntary. What is necessary is defined as 'that which must be', and Aquinas makes a distinction between different types of necessity: that which comes about because of coercion, and that which comes about because of nature. Coercion is defined as when 'someone is forced by another agent so that it is not possible to act to the contrary'.¹⁰ The necessity which comes from this coercion is 'wholly repugnant to willing'.¹¹

This definition of coercion is sensible enough, and it is easy to see why it would be proposed as the opposite of voluntary action. Aquinas then expands both his definition of coercion and his definition of voluntary. Coercion is equated with violence, which is defined as 'whatever is against the inclination of a thing'.¹² Inclination here is the *natural* inclination of a thing, which a thing has by virtue of its form. Coercion, then, is not simply an external force compelling an agent to act in a certain way; it is, rather, an external force compelling the agent against its natural inclination.

Importantly, Aquinas next argues that 'the very movement of the will itself is an inclination to something'.¹³ That is, the will has a nature, and its movement is a natural inclination towards its end. Thus, 'as a thing is called natural because

¹⁰ 'Ex agente autem hoc alicui convenit, sicut cum aliquis cogitur ab aliquo agente, ita quod non possit contrarium agere. Et haec vocatur necessitas coactionis': Aquinas, *Summa theologiae*, 1a, q. 82, a. 1, in corp., p. 575.

¹¹ 'Haec igitur coactionis necessitas omnino repugnat voluntati': Aquinas, *Summa theologiae*, 1a, q. 82, a. 1, in corp., p. 575.

¹² 'Nam hoc dicimus esse violentum, quod est contra inclinationem rei': Aquinas, *Summa theologiae*, 1a, q. 82, a. 1, in corp., p. 575.

¹³ 'Ipse autem motus voluntatis est inclinatio quaedam in aliquid': Aquinas, *Summa theologiae*, 1a, q. 82, a. 1, in corp., p. 575.

it is according to the inclination of nature, so something is called voluntary because it is according to the inclination of the will.¹⁴ Therefore, a thing cannot be violent and natural, because to be violent is to compel a thing against its natural inclination. Nor can a thing be violent and voluntary, for the will itself is an inclination.¹⁵ A thing can, however, be natural and voluntary, in that the inclination of the will *is* an inclination given to it by nature.¹⁶

In this way, Aquinas explains that ‘natural necessity’ — as opposed to coercion — is not repugnant to the will. On the contrary, this natural necessity is what makes the will what it is. Just as the intellect acts necessarily in that it must, due to its nature, adhere to first principles, so the will ‘must of necessity’ adhere to its final end, which is happiness.¹⁷ This is because the remit of the will is action, and ‘the end has the same role in relation to action as the principle does in speculative matters.’¹⁸ So, the will does will something of necessity, which is happiness; however, because he has defined a *voluntary* action as that which is in accordance with the will’s inclination, Aquinas argues that this ‘natural necessity does not interfere with the liberty of the will’.¹⁹

I have argued that Henry asserts the incompatibility of necessity and freedom. But it is important to note that Henry introduces this incompatibility within a very narrow context, which is the question of whether the will is necessitated to choose a particular dictate of reason. Aquinas’s discussion of necessity,

¹⁴ ‘Et ideo sicut dicitur aliquid naturale quia est secundum inclinationem naturae, ita dicitur aliquid voluntarium quia est secundum inclinationem voluntatis’: Aquinas, *Summa theologiae*, Ia, q. 82, a. 1, in corp., pp. 575–76.

¹⁵ ‘Sicut ergo impossibile est quod aliquid simul sit violentum et naturale; ita impossibile est quod aliquid simpliciter sit coactum sive violentum, et voluntarium’: Aquinas, *Summa theologiae*, Ia, q. 82, a. 1, in corp., p. 576.

¹⁶ For a helpful discussion of Aquinas’s view on human freedom, nature, and necessity in relation to God as a first cause, see Davies, *The Thought of Thomas Aquinas*, pp. 174–78.

¹⁷ ‘sicut intellectus ex necessitate inhaeret primis principiis, ita voluntas ex necessitate inhaereat ultimo fini, qui est beatitudo’: Aquinas, *Summa theologiae*, Ia, q. 82, a. 1, in corp., p. 576. As Eleonore Stump explains, Aquinas ‘takes the will to be not a neutral faculty but a bent or inclination’: Stump, ‘Aquinas’s Account of Freedom’, p. 276. This article gives an excellent treatment of an array of topics relating to Aquinas’s notion of free will, including the will as rational appetite, the relationship between the intellect and the will, and *liberum arbitrium*.

¹⁸ ‘finis enim se habet in operativis sicut principium in speculativis’: Aquinas, *Summa theologiae*, Ia, q. 82, a. 1, in corp., p. 576.

¹⁹ ‘Necessitas autem naturalis non aufert libertatem voluntatis’: Aquinas, *Summa theologiae*, Ia, q. 82, a. 1, ad 1, p. 576.

on the other hand, is about the necessity that comes from the nature of a thing. In a very general way the will, by its nature, will be necessitated to desire happiness, or the good (IaIIae, q. 13, a. 2) as its ultimate end.²⁰ One could argue, then, that these are two different types of necessity: one is general, one is particular; one is compatible with liberty, and one is not.

Indeed, after discussing the necessity that is compatible with the liberty of the will, Aquinas goes on to argue that, when it comes to the realm of action, the will is not necessitated to will whatever it wills. Aquinas takes us back to the analogy between the intellect and the will. Although the intellect naturally adheres to certain first principles out of necessity, most principles and conclusions do not have a necessary connection to these first principles, and therefore the intellect does not assent to them necessarily. So for the will, then, there are a myriad of particular goods which do not have a necessary connection to the general happiness to which the will is inclined, and therefore, the will is not necessarily inclined to any good in particular.²¹ As Aquinas explains: 'the will is not able to tend towards anything unless it is perceived as a good (*sub ratione boni*)'.²² He goes on: 'But because the good comes in many forms, on account of this the will is not determined by necessity to one particular good'.²³

Although Aquinas asserts that the necessity of the will to seek happiness is compatible with the liberty of the will, it is important also to note that in certain contexts he posits liberty as the opposite of necessity. For instance, he asks 'whether man chooses out of necessity, or freely', and we are reminded that necessity is 'that which *must* be', because Aquinas explains here that 'that which is possible *not* to be, is *not* necessary'.²⁴ The realm of liberty, then, is the realm of

²⁰ 'voluntas autem est quidem secundum naturae ordinem, determinata ad unum commune, quod est bonum, sed indeterminate se habet respectu particularium bonorum': Aquinas, *Summa theologiae*, IaIIae, q. 13, a. 2, in corp., p. 94.

²¹ 'Sunt enim quaedam particularia bona, quae non habent necessariam connexionem ad beatitudinem, quia sine his potest aliquis esse beatus: et huiusmodi voluntas non de necessitate inhaeret': Aquinas, *Summa theologiae*, Ia, q. 82, a. 2, in corp., p. 577.

²² 'voluntas in nihil potest tendere nisi sub ratione boni': Aquinas, *Summa theologiae*, Ia, q. 82, a. 2, ad 1, p. 577.

²³ 'Sed quia bonum est multiplex, propter hoc non ex necessitate determinatur ad unum': Aquinas, *Summa theologiae*, Ia, q. 82, a. 3, ad 1, p. 577. For a treatment of the will as a rational appetite, including the way in which it is necessitated and the way in which it is free, see Gallagher, 'The Will and its Acts', especially pp. 69–78.

²⁴ 'homo non ex necessitate eligit. Et hoc ideo, quia quod possibile est non esse, non necesse est esse': Aquinas, *Summa theologiae*, IaIIae, q. 13, a. 6, in corp., pp. 97–98.

the possible, the realm of what *could* be or not be; in other words, the realm of contingency.

This definition of liberty comes out very clearly in Aquinas's discussion of *liberum arbitrium*, free judgement, in 1a, q. 83 of his *Summa*, and indeed, it is this discussion as it pertains to liberty which Henry finds so disagreeable. Here Aquinas has just finished his treatment of the will, where he has argued at length about the ways in which the will is necessitated and not necessitated, but has said very little about the concept of liberty itself. With a discussion of *liberum arbitrium*, however, there must be a treatment not only of judgement, but also of liberty.

There are those beings, Aquinas argues, who act without any judgement, such as the stone which is moved downwards, or the plant which moves upwards; the same is true for all objects lacking thought processes.²⁵ Their movements may be a kind of inclination, but they are 'wholly preordained'.²⁶

Then there are those beings which act with judgement, but they do not act freely, such as brute animals. For instance, a sheep sees a wolf, recognizes him as a threat, and flees instantly, but this recognition is only a 'natural' judgement, not a 'free' one, because it was made out of a natural instinct.²⁷ This kind of judgement which animals have stems from their cognitive capacities. The highest form of cognition which animals possess is sensitive cognition. Sense cognition pertains only to particulars — there is no universal or general concept that can be cognized by the senses. An animal perceives an object through its senses and will experience a corresponding inclination either towards or against it, which is the sensitive appetite. As Gallagher explains, this inclination is one over which the animal has no control: when it perceives an object, its mind reacts 'immediately one way or another to what [is perceived]. Since this instinct is given to the animal [...] it does not fall within the control of the animal, but rather controls the animal's inclinations and subsequent actions'.²⁸

²⁵ 'considerandum est quod quaedam agunt absque iudicio: sicut lapis movetur deorsum; et similiter omnia cognitione carentia': Aquinas, *Summa theologiae*, 1a, q. 83, a. 1, in corp., p. 582.

²⁶ Gallagher, 'Thomas Aquinas on the Will', p. 565.

²⁷ 'Quaedam autem agunt iudicio, sed non libero; sicut animalia bruta. Iudicat enim ovis videns lupum, eum esse fugiendum, naturali iudicio, et non libero': Aquinas, *Summa theologiae*, 1a, q. 83, a. 1, in corp., p. 582.

²⁸ My explanation in this paragraph of the sensitive appetite is indebted to Gallagher. See Gallagher, 'Thomas Aquinas on the Will', pp. 564–65.

Man, too, acts from judgement, but 'his judgement is not out of a natural instinct'. It is, rather 'from some act of comparison in the reason'.²⁹ As the brute animal's judgement was based upon sensitive cognition, man is capable of judgement based upon intellectual cognition, or his reason. Aquinas explains that 'reason is a power that compares several things together',³⁰ as well as having the potential 'to follow opposite courses'.³¹ Whereas sensitive cognition is only of particulars, intellectual cognition pertains to understanding particular things in a more universal way; that is, of seeing things as particular instances of more general concepts. And, in further contrast to the sensitive cognition, which automatically presents an object to the sensitive appetite as something to be desired or avoided, the reason will compare and contrast the perceived object or course of action with other alternatives, against the backdrop of the agent's more general values or 'ends', before it presents a thing as good or bad to its corresponding appetite, which is the will.³²

For instance, a man may be starving, and may come upon some food, but may compare the possibility of easing his hunger against the possibility of donating this food to one who has more need of it than he. He has a particular need to satisfy hunger, but he also has a more general goal to imitate Christ by sharing with those in need. Here, because of his rational capacity to compare alternatives, the man has the power to follow opposite courses: he can eat the food, or not eat the food.³³

Aquinas connects this power to act in opposite ways directly to the contingency of practical matters. In the sphere of action, there are no 'necessary syllogisms' — no conclusions or 'ends' that follow of necessity from their principles. Other than the notion that man necessarily seeks happiness, the realm of action is the realm of the possible. Thus, 'in such matters the judgement of reason may follow opposite courses, and is not determinate to one'.³⁴ Once he has linked

²⁹ 'Sed quia iudicium istud non est ex naturali instinctu in particulari operabili, sed ex collatione quadam rationis; ideo agit libero iudicio, potens in diversa ferri': Aquinas, *Summa theologiae*, Ia, q. 83, a. 1, in corp., p. 583.

³⁰ 'vis sensitiva non est vis collativa diversorum, sicut ratio': Aquinas, *Summa theologiae*, Ia, q. 82, a. 2, ad. 3, p. 577.

³¹ 'Ratio enim circa contingentia habet viam ad opposita': Aquinas, *Summa theologiae*, Ia, q. 83, a. 1, in corp., p. 583.

³² See Gallagher, 'Thomas Aquinas on the Will', pp. 565–66.

³³ For a helpful treatment of Aquinas's notion of *liberum arbitrium* as the 'ability to do otherwise', see Stump, 'Aquinas's Account of Freedom', pp. 284–89.

³⁴ 'Particularia autem operabilia sunt quaedam contingentia: et ideo circa ea iudicium

reason with the contingency of action, he goes on to link reason with freedom: if man is to have 'free' judgement, he must be rational — that is, he must have this power of discriminating between alternatives which are an inevitable part of contingent affairs. Otherwise, there is no difference between him and an irrational animal, for the animal, as soon as it is offered something by its senses 'to which its appetite is naturally inclined, is moved to that alone, without making any choice'.³⁵

Aquinas's use here of the word 'choice' deserves further attention. It pertains to the discussion earlier pertaining to the determination of the will. There we saw that because no particular good had a necessary link to the universal concept of 'good', the will was not necessitated to willing any particular good. Again, the will is necessitated to willing the *universal* end of 'the good', and Aquinas is clear that in this sense, man cannot *choose* this final end, for choice does not pertain to those things which are 'determinate'. Rather, choice pertains to the realm of the possible — which is also the realm of contingency and freedom — and in this case, since man's final end is determined, it is the *way* man reaches that end which becomes the remit of choice.

Now, Aquinas states that choice pertains directly to the will, and it is in Aquinas's discussion on choice that we see him bring together the freedom of the will with the freedom of the reason. Since choice has to do with what *can* be, it has to do with reason's power to take opposite courses of action. But here Aquinas goes further: the reason can take opposite courses of action because it has the ability to consider its object in contrasting ways:

Now the reason can apprehend as good, not only this, that is, 'to will' or 'to act' but also this, that is 'not to will' or 'not to act'. [...] Again, in all particular goods, the reason can consider an aspect of some good, and the lack of some good, which has the aspect of evil: and in this respect, it can apprehend *any single one of such goods as to be chosen or to be avoided*.³⁶

rationis ad diversa se habet, et non est determinatum ad unum': Aquinas, *Summa theologiae*, Ia, q. 83, a. 1, in corp., p. 583.

³⁵ 'Unde statim quando per sensum vel per imaginationem repraesentatur sibi aliquid ad quod naturaliter inclinatur eius appetitus, absque electione in illud solum movetur': Aquinas, *Summa theologiae*, IaIIae, q. 13, a. 2, ad 2, p. 94.

³⁶ 'Potest autem ratio apprehendere ut bonum non solum hoc quod est velle aut agere; sed hoc etiam quod est non velle et non agere. [...] Et rursum in omnibus particularibus bonis potest considerare rationem boni alicuius, et defectum alicuius boni, quod habet rationem mali: et secundum hoc potest unumquodque huiusmodi bonorum apprehendere ut eligibile, vel fugibile': Aquinas, *Summa theologiae*, IaIIae, q. 13, a. 6, in corp., p. 98.

Thus, to go back to our previous example, the action of eating the food can be considered under the aspect of 'good' as well as 'bad': it is 'good' inasmuch as it satisfies hunger; it is 'bad', or at least has a deficiency of good, in that it prevents the fulfilment of a religious quest.

Thus, freedom is found in the reason's ability to consider things in different ways. When it comes to practical matters, the reason is only determined to see happiness as a perfect good, which cannot be considered in any way evil or deficient. Other than that, it is possible for the reason to come to a near infinite range of conclusions about how to reach happiness. As for the will, Aquinas asserts that the 'the will can tend to whatever the reason can apprehend as good'.³⁷ As the intellectual appetite, the will follows what the reason judges to be a good. However, because the reason is not determined in its judgements about what is a particular good, neither is the will determined towards any particular good.³⁸

Aquinas's notion of choice brings us back to Henry's question, for Henry had asked: 'whether the will has free choice to go with the judgement of reason [or is the will necessitated to] adhere to a judgement of reason'. As we have seen, both men assert that choice exists where there is liberty, and liberty does not exist where there is necessity. Here is where the disagreements begin, however, because Aquinas asserts that liberty pertains to the liberty of the agent to bring about different possible states of affairs — *through a judgement of reason*, he can *choose* how he acts. We have seen that Henry, however, sees liberty in a very different way — that of the ability to act *with or against* a judgement of reason. He does not see the freedom of reason explaining the freedom of the will; on the contrary, at one point he asks in *quaestio* 16: where does liberty principally reside, in the intellect or in the will?³⁹

³⁷ 'Quidquid enim ratio potest apprehendere ut bonum, in hoc voluntas tendere potest': Aquinas, *Summa theologiae*, 1a11ae, q. 13, a. 6, in corp., p. 98.

³⁸ Timothy B. Noone argues that it is certainly true that 'the indeterminacy of the intellect's free judgment seems to be [...] the ground of the will's freedom' in much of Aquinas's thought. However, Noone argues that Aquinas gives a more voluntaristic account of the will in his late work, *De Malo*, citing both ecclesiastical and philosophical reasons why Aquinas revised his account: Noone, 'Nature, Freedom and Will', p. 11. Because both Henry of Ghent and John of Paris engage with Aquinas's notion of reason and will as presented above, I have not included a treatment of Aquinas's account of the will in *De Malo*.

³⁹ 'Circa quod adhuc tota vis quaestionis veritur, penes quid consistit illa libertas principaliter, an penes intellectum, an penes voluntatem': Henry of Ghent, *Quodlibet* 1, ed. by Macken, q. 16, p. 98, lines 88–89.

It is in answer to this question that he gives his arguments against Aquinas. There are some people of the opinion, Henry states, that because 'man's judgement about what actions ought to be performed does not arise from natural instinct as with animals, but comes from a certain ability to compare which can lead him in diverse directions, then man is said to act through free will because he can be swayed in different directions by the determination of his reason'.⁴⁰ The nature of *liberum arbitrium* and *electio* in this model centre on a 'free discourse of reason': reason is required to offer counsel concerning which alternative should be preferred, while the will accepts the judgement which results from this counsel.⁴¹ In this model, 'the will is not able to divert itself' from the judgement of reason, and this is because 'the act of the will is a certain inclination necessarily following the form of the intellect'.⁴² According to Henry, this inclination of the will puts Aquinas's theory of *liberum arbitrium* precisely where Aquinas does not want it: in the same camp as the judgements made by brute animals.

Henry takes care to list the differences which Aquinas asserts exist between the will and the sensitive appetite of the brute, yet he cannot resist setting up Aquinas's position in a way that in fact highlights the *similarities* between the two which he finds in Aquinas's theory. The sensitive appetite will always be moved to what appears to the senses to be more desirable, while the will is not moved to something unless there has been a comparison made by the reason concerning those things that have been apprehended.⁴³ Yet what troubles Henry is that after the reason compares and deliberates, 'then it is necessary that the

⁴⁰ 'Quidam enim opinantur quod, quia in homine iudicium istud circa particularia operanda non est ex naturali instinctu sicut in brutis, sed ex collatione quadam quae potest in diversa ferri, quod ideo homo dicitur agere libera voluntate quia potest in illa diversa secundum rationis determinationem inclinari': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 98, lines 90–94.

⁴¹ 'Ut sic naturam liberi arbitrii consideremus ex electione includente liberum discursum rationis, in qua ex parte intellectus et rationis requiritur consilium per quod diiudicatur quid sit alteri praeferendum, ex parte autem voluntatis, quod acceptetur id quod consilio iudicatum est': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 98, lines 96–100.

⁴² 'Ita quod voluntas non possit obviare non appetendo id quod ratio praetulit, ut sic voluntatis actus sit quaedam inclinatio consequens de necessitate formam intellectus': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 98, lines 100–102.

⁴³ 'Sed in hoc differt a voluntate, quia appetitus sensitivus statim movetur per impetum ad id quod magis apparet delectabile sensui sine omni collatione habita de apprehensis, voluntas autem non necessario movetur ad aliquod apprehensorum nisi facta collatione apprehensorum in iudicio rationis': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 99, lines 13–17.

will follow through its appetite that which is judged to be better by the counsel of reason, and is inclined to that'. Thus, '*in that moment (in tali puncto)* the act of the will is a certain natural inclination following intellective form, just as the natural appetite is a certain natural inclination following natural form and the brutish appetite is a certain inclination following an apprehended form which is pleasurable to the senses'.⁴⁴

Sensitive cognition and reason clearly differ from one another in the way that they operate, but as far as their corresponding appetites are concerned, Henry worries that in the Thomist model there is no real difference: each appetite is an inclination which necessarily follows what is presented to it. Because of this Henry argues that in the Thomist notion of *liberum arbitrium*, liberty lies solely with the reason, and there is 'nothing out of the part of the will except in as much as the will depends on the reason'.⁴⁵ Indeed, Henry goes so far as to say that 'the will is compelled by the reason'; the relationship between the reason and the will in action is such that the reason simply has to understand what needs to be done, rather than persuade the will to do it.⁴⁶ He dramatically concludes that 'there is no more liberty in the human will distinct against the intellect than in the brutish appetite'.⁴⁷

As stated above, we know that Henry was involved in drawing up the condemned proposals of 1277. The preoccupation which he shows here in *quaestio* 16 with the will as it relates to the brutish appetite is one evidence of that involvement, as Article 159 from the Condemnation reads: 'that the will of man is necessitated through its own cognition just as is the brutish appetite'.⁴⁸ As we

⁴⁴ 'Ut in tali puncto actus voluntatis sit inclinatio quaedam naturalis sequens formam intellectam, sicut appetitus naturalis est inclinatio quaedam naturalis consequens formam naturalem et appetitus brutalis est inclinatio quaedam consequens formam delectabilis apprehensam a sensu': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 99, lines 21–25.

⁴⁵ 'Ut sic sit tota [vis] liberi arbitrii penes rationem et nihil ex parte voluntatis nisi quatenus voluntas a ratione dependet': Henry of Ghent, *Quodlibet 1*, ed. by Macken, pp. 100–01, lines 51–53.

⁴⁶ 'quod voluntas ratione potest cogi ad actionem, ne sit opus suasionem ad agendum cognita, sed magis ratione ad cognoscendum agenda': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 103, lines 08–10.

⁴⁷ 'Ex quo patet plane quod si ita est ut dicit illa opinio, nihil plus libertatis est in voluntate humana distincta contra intellectum quam in appetitu brutali': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 103, lines 13–15.

⁴⁸ A list of the propositions is found in 'Propositiones Condamnées par Etienne Tempier, évêque de Paris, 1277', in Mandonnet, *Siger de Brabant*, p. 187. The propositions I use here are the ones cited by John in his *Circa*: 'quod voluntas hominis necessitetur per suam cognitionem

have seen from the above arguments, Henry was also interested in the will as it related to the reason *after* the reason had made its judgement. He described this time as a ‘moment’ (*punctum*) in which the will no longer had its freedom. Relating to this concern is Article 158, ‘that after the conclusion of what is to be done, the will does not remain free’, and Article 163: ‘that the will necessarily follows what is firmly taught by the reason and is not able to abstain from that which has been determined’.⁴⁹

Henry, then, explicitly mentions, but outright rejects, Aquinas’s notion that freedom has its force in the possible — in the fact that ‘the reason was able to judge otherwise concerning actions’.⁵⁰ No, in order for man to be differentiated from the brute, the key is found in a free will, not a free reason. The liberty of the will does not come from the reason, but rather, it is free in and of itself, and this freedom is defined as the ability to go contrary to the judgement of reason.⁵¹ *Liberum arbitrium* is that ability in man to accept or reject what reason proposes, and Henry asserts that this ability is synonymous with choice.⁵² At one point Henry argues that ‘it is certain’ that choice pertains to both the intellect and the will, but then he goes on to state that choice is primarily an act of the will, although of course choice cannot take place without a preceding cognition.⁵³

Importantly, Henry argues that the will is naturally free (*ex natura sua libera est*).⁵⁴ Since choice principally depends on the will, man therefore has ‘free

sicut appetites bruti’, John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 263, lines 14–15.

⁴⁹ ‘Ibi enim condemnatum est, “quod post conclusionem de aliquo faciendo voluntas non manet libera” [...] Item, “quod voluntas sequitur necessario quod firmiter traditum est a ratione et non potest abstinere ab eo quod determinatur”: John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 263, lines 13–17.

⁵⁰ Henry of Ghent, *Quodlibet 1*, ed. by Macken, q. 16, p. 103, lines 04–05.

⁵¹ ‘Falsum est ergo quod tota libertas voluntatis accipitur ex parte rationis, immo est etiam ex parte sui, ut possit in contrarium iudicio rationis’: Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 103, lines 99–01.

⁵² ‘Sed quod libertas arbitrii, qua de proximo potest homo acceptare vel renuere quod cognitio proponit, principaliter sit ex parte voluntatis [...]. Cum enim ex hoc liberi arbitrii sumus quod duobus propositis, unum possumus acceptare, alterum vero refutare, et hoc est eligere’: Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 104, lines 27–31.

⁵³ Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 105, lines 40–56.

⁵⁴ ‘Si ergo electio principaliter dependet a volunrate, et ipsa ex natura sua libera est, et quod principale est in ipsa, libertas cuius est’: Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 105, lines 58–59.

choice'. In answer to his previous question as to where liberty resides, Henry here answers that 'liberty is principally out of the part of the will', and this liberty is explained, not by the concept of the will as a rational appetite, but as the will having 'its own proper appetite'.⁵⁵ Thus, free choice consists of the will being able to follow reason, or follow itself.

Because the will is not a rational appetite, but has its own appetite, Henry then explains that the will is nonetheless subjected to 'influences' which can lead it either towards or against reason. There are, he claims, three ways in which the will can be influenced. The first way is when the will is influenced 'out of the dictate of right reason', and this is the way in which the will is the source of virtue.⁵⁶ Specifically, Henry says that 'this sort is the will of the continent man, according to what is said in the seventh book of the *Ethics*: Indeed the continent man, knowing that his appetites are bad, does not follow them on account of reason'.⁵⁷ In another way, the will can be influenced through passion, and this is 'the vicious will and the source of moral vice, according to the seventh book of the *Ethics*: the incontinent man, knowing that his appetite is bad, acts on account of passion'.⁵⁸

Henry's usage here of Aristotle's notion of the continent and incontinent man to explain how the will can be influenced for good or bad is in one way rather startling, and it underscores how Henry wants to shift the emphasis in human action theory from a broader discussion about the powers of the soul to a very specific one about the interaction between the will and the reason at a particular point in time.

Aristotle's theory about continence and incontinence is one that is used to explain the actions of people whose characters are such that they want to

⁵⁵ 'Libertas ergo principaliter est ex parte voluntatis, ut si velit, agat per electionem sequendo iudicium rationis, vel contra ipsum sequendo proprium appetitum': Henry of Ghent, *Quodlibet 1*, ed. by Macken, pp. 105–06, lines 59–62.

⁵⁶ 'Uno enim modo flectitur ad appetendum per electionem ex sententia rectae rationis, et est voluntas studiosa et principium virtutum': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 108, lines 15–16.

⁵⁷ 'Talis est voluntas continentium, secundum quod dicitur VII Ethicorum: Continens enim, sciens quoniam pravae concupiscentiae, non sequitur propter rationem': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 108, lines 18–20.

⁵⁸ 'Alio autem modo flectitur per passionem, etiam contra rationem, et est voluntas vitiosa et principium malitiarum moralium et incontinentium, secundum quod dicitur in VII Ethicorum: Incontinens, sciens quoniam prava, agit propter passionem': Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 109, lines 26–29.

act in accordance with their knowledge of what is right but are tempted to act against it — the continent man manages to control himself, but the incontinent man does not. It is, then, a theory about how an agent can come to act against rational directives — precisely what Henry sees as the key issue for the will concerning its potential to act ‘in the moment’ when it responds to reason.

Another significance in Henry’s use of the concept of continence is his view of the relationship between continence and virtue. He seems to suggest that the continent will is the virtuous will, which is an unusual claim since the continent man struggles with bad desires but overcomes them to follow reason. For Aristotle as well as for Aquinas, the continent man is not the same as the virtuous man, for the virtuous man has no bad desires to overcome. By making the continent will the root of virtue, Henry seems to be saying that man will always experience a pull away from reason with the will having its own liberty. Indeed, when Henry describes the third way in which the will can be influenced, he argues that it can influence itself — for good, because it is created by God, but also for bad, because it was created *ex nihilo* and is therefore subject to corruption.⁵⁹

Thus, Henry’s criticisms of Aquinas allowed him to bring to the forefront of current philosophical discussion a distinctive set of issues, with a different emphasis. Aquinas’s philosophy was framed by an overall theory about man as a teleological being who therefore had inclinations towards his end, and his theory of the will as a rational appetite followed from that theory. Henry, on the other hand, cannot accept the will as a rational appetite, because, to his mind, it denies the agent freedom, and specifically free choice, leaving him the same as the brute. His view of the freedom of the will not only comes to focus upon the act of the will in the specific ‘moment’ when it decides to accept or follow reason; it also stresses that man will always struggle against one part of his nature in order to follow the part that influences him for good. He therefore finds a connection between his conception of the will and the themes of book seven of the *Ethics*, where Aristotle explores why certain human beings struggle to follow the dictate of reason. As I shall argue in the next section, these concerns, and the way in which Henry discusses them, leave a distinctive mark upon John of Paris’s work as he tries to respond in defending Thomism.

⁵⁹ ‘Tertio autem modo flectitur voluntas per se ipsam solam et ad bonum, ratione suae libertatis naturalis qua est bona creatura Dei [...] flectitur etiam per se ipsam omnino solam ad malum, ratione naturalis defectibilitatis qua est ex nihilo, per quam potest deficere et in nihilum naturae quod est corruptio’: Henry of Ghent, *Quodlibet 1*, ed. by Macken, p. 109, lines 36–43.

John of Paris and the Will

There are several articles in the *Circa* in which John addresses the attacks upon Aquinas's notion of the will, but I will focus here on Article 51, 'Whether man determines himself through reason to willing this or that', which pertains especially to the issues raised in Henry's *quaestio* 16.⁶⁰ Even the title itself indicates a shift in emphasis when discussing the will: Aquinas had stressed that the will was determined only in willing its final end, but John here must discuss the determination of the will as it regards to particular goods, that is, 'this or that'.

Aquinas's adversaries, John states, disagreed with the idea that reason 'necessitates' the will to a particular thing, such that 'the will is not able to will to the contrary'.⁶¹ This, indeed, is against Saint Bernard in his *Concerning Grace and Free Judgement*, who had argued that the will could 'act against reason and according to reason', and against 'many' of the condemned articles, such as Article 158, 'that after the conclusion concerning what is to be done, the will does not remain free'; Article 159, 'that the will of man is necessitated through his own cognition as the appetite of the brute'; and Article 163, 'that the will necessarily follows what is firmly taught by the reason and is not able to abstain from that which is determined'.⁶²

John first responds by arguing that Aquinas did not intend to say that man determines — that is, *necessitates* himself to willing this or that through reason. This is because of the contingency argument: the intellect is able to not cognize any particular object and is therefore not necessitated to will that particular object.⁶³ Furthermore, man is not necessitated to be moved to an object unless 'according to every consideration it is good, which is beatitude'; thus, there is no particular good towards which he is moved necessarily.⁶⁴

⁶⁰ 'Utrum homo per rationem determinet se ad volendum hoc vel illud': John Quidort of Paris, *Le 'Correctorium corruptorii "Circa"*, ed. by Müller, p. 263.

⁶¹ 'Si vero per actum determinandi intelligat, quod ratio concludens unum contrariorum esse volendum determinet, i.e. necessitet voluntatem ad illud, ita quod contrarium non possit velle voluntas, hoc est contra Bernardum, De Gratia et libero arbitrio, cap 2 [...] et est erroneum et condemnatum nuper in pluribus articulis': John Quidort of Paris, *Le 'Correctorium corruptorii "Circa"*, ed. by Müller, p. 263, lines 8–13.

⁶² See notes 48, 49 above.

⁶³ 'potest enim de quolibet obiecto non cogitare, et ideo per consequens nec actu velle illud': John Quidort of Paris, *Le 'Correctorium corruptorii "Circa"*, ed. by Müller, p. 264, lines 34–35.

⁶⁴ 'quod non necessario movetur ab aliquo obiecto, nisi fuerit tale, quod secundum omnem considerationem sui sit bonum, cuiusmodi est beatitudo. A nullo autem bono particulari

John realizes, however, that this charge against Aquinas demands a different kind of discussion about necessity and freedom, a discussion of whether the will can respond freely to a dictate of reason. The real issue here, then, is the will as a rational appetite, and he goes on to discuss that next. John covers the familiar ground of citing the difference between the will and the brutish appetite, in that the will waits for the judgement of reason. However, John's argument then makes a rather unexpected turn: we can make further distinctions in the rational appetite, he says, because the reason can dictate something by *habit*, but also be bound by passion, so that the thing proposed is not desired, and in this way the agent is not necessitated to willing. He then quotes exactly the same passage as Henry had quoted from Book VII of the *Ethics*: 'the incontinent man, knowing his appetite is bad, acts on account of passion'.⁶⁵

By bringing up incontinence, John is attempting to engage with Henry's arguments as to the nature of the relationship between the will and the reason, on Henry's ground. He explores the issue further than Henry did in *quaestio* 16, however, intent on explaining how Aristotle's theory of incontinence can be used to show the ways in which the will as a rational appetite is both free as well as, at times, determined. And he does this by employing Aristotle's notion of the practical syllogism.

Aristotle's theory of incontinence is part of his larger discussion about human action, which he chose to frame in terms of 'the steps in reasoning that go to explain an action'.⁶⁶ Aristotle's theory of incontinence is a complicated area with a huge secondary literature, and my only intention here is to sketch out the basics of it in order to explain how John makes use of it. The tool that Aristotle uses to explain the steps of practical reasoning is the practical syllogism: he had argued that when a universal premise about what should be done is combined with a minor premise which identifies how that universal premise relates to one's particular situation here and now, and the agent has desire, then

necessario movetur, quia nullum tale est bonum secundum omnem considerationem, quod ipse declarat ibidem. Et sic non intendit, quod homo determinet, i.e. necessitet se ad volendum hoc vel illud per rationem': John Quidort of Paris, *Le 'Correctorium corruptorii "Circa"*, ed. by Müller, p. 264, lines 36–41.

⁶⁵ 'Quia vel ratio sententiat habitu illud, quia forte sub actuali consideratione ligata est propter vehementiam passionis, vel propter considerationem oppositae conditionis, sub qua res appetenda non est, et sic adhuc non determinat, i.e. necessitate ad volendum, quia ut dicit Philosophus, VII Ethicorum: Incontinens, sciens quoniam prava, agit propter passionem': John Quidort of Paris, *Le 'Correctorium corruptorii "Circa"*, ed. by Müller, p. 264, lines 58–63.

⁶⁶ Kent, 'Transitory Vice', p. 200.

action would necessarily follow.⁶⁷ Thus, the practical syllogism is a theory that is used to explain a *particular* action, which is in harmony with the agent's more universal principles, or reason.

Aristotle also uses the practical syllogism to explain action that is 'contrary' to the agent's principles, that is, incontinent action.⁶⁸ The incontinent's case is tricky, because Aristotle asserts that the incontinent has two major premises, one which forbids a certain kind of action, and one which states the potential desirability of that action. Aristotle gives the example of a major premise which requires the agent to abstain from eating sweet things, and another which states that 'everything sweet is pleasant'.⁶⁹ When the incontinent has a minor premise which identifies a particular thing as sweet, and when he has an appetite for that sweet thing, then Aristotle explains that he has a conflict: 'one belief bids him avoid this', however, his 'appetite leads him on', so that he acts under the second belief, or the permissive major premise, and therefore he completes the syllogism with reference to that premise.⁷⁰

Key to the practical syllogism as it applies to the incontinent is the way in which his passions affect the operation of his reason. Reason forms both universal directives, such as 'give alms to the poor', and also particular directives, such as 'this person is poor'. On Aristotle's account, the incontinent's universal knowledge is not affected by his passions; it is, rather, his particular knowledge that is affected.⁷¹ He knows in principle that he should help poor people, but on seeing a poor person in need he may be influenced by greed or pride that would prevent him forming the particular directive: 'help this particular person at this particular time'.

It is precisely this distinction between universal knowledge and particular knowledge which John employs to explain how the will is not 'determined' or 'necessitated' in its relationship to reason. As quoted above, John says that reason can dictate something 'by habit', by which he means a general or universal dictate. And it is clear that the agent is not determined to follow this universal directive, as can be seen in the case of the incontinent, who, bound by pas-

⁶⁷ See Kent, 'Transitory Vice', p. 200.

⁶⁸ Kent, 'Transitory Vice', p. 200.

⁶⁹ See Aristotle, *Nicomachean Ethics*, ed. and trans. by Crisp, 1147a37–38, p. 124.

⁷⁰ See Aristotle, *Nicomachean Ethics*, ed. and trans. by Crisp, 1147a34–39, p. 124, and Kent, 'Transitory Vice', pp. 200–01.

⁷¹ Kent, 'Transitory Vice', p. 201; see Aristotle, *Nicomachean Ethics*, ed. and trans. by Crisp, 1147b17–20, p. 125.

sion, does not act according to his principles. Thus, John argues, when Saint Bernard and other authorities assert that the will can act both ‘against reason and according to reason’, they are speaking of the dictates given by universal reason, not particular reason.⁷²

However, when it comes to reason ‘after deliberation’ — that is, when the reasoning process is employed with the major premise and the minor premise concluding that ‘this is to be willed or not willed, done or not done’, then, ‘*in that moment (in tali puncto)*’ the will is determined, that is, necessitated to willing and not willing, doing and not doing.⁷³ In using Henry’s exact phrase, *in tali puncto*, John shows that he has Henry’s concerns in mind regarding how the will responds to the reason after the reason formulates a dictate. Yet, instead of defending Aquinas directly against Henry’s attack that ‘*in that moment*’ the act of the will is a certain natural inclination following intellectual form [... just as] the brutish appetite is a certain inclination following an apprehended form which is pleasurable to the senses’, John chooses to defend Aquinas instead by explaining what happens ‘in the moment’ in terms of the practical syllogism: in the moment it is necessary, through a firm, particular dictate of reason, that the agent ‘is obliged to will, and to will now (*nunc*)’.⁷⁴ And this is what the Philosopher says in Book VII of the *Ethics*, that ‘if there was an opinion of universal reason and another of particular reason, which comes from the senses, and they agree in one, it is necessary to conclude in action straight away’.⁷⁵

John offers an example concerning how the will is necessitated ‘in the moment’ by the practical syllogism. Say there is an agent who believes in the

⁷² ‘Quod arguunt in oppositum de Bernardo [...] quod voluntas facit contra rationem et secundum rationem, et ad hoc iam patet, quod loquitur de ratione aliquid dicente in universali vel in habitu ante deliberationis sententiam, et non in puncto praedicto’: John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 265, lines 84–88.

⁷³ ‘Vel ratio post deliberationem et actu sumendo scilicet minorem cum maiori concludendo sententiat hoc volendum esse vel non volendum, agendum vel non agendum, et in tali puncto voluntas determinatur i.e. necessitatur ad volendum et non volendum, agendum et non agendum’: John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 265, lines 65–69.

⁷⁴ ‘In tali enim puncto necesse est, ex quo per sententiam rationis actu considerantis actu firmatum est, sic debere velle, necesse est ut nunc velle’: John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 265, lines 69–71.

⁷⁵ ‘Et hoc est quod dicit Philosophus VII Ethicorum, quod “si fuerit opinio universalis rationis et altera particularis, cuius est sensus, et in unum conveniunt, necesse est concludere confestim operari in activis”’: John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 265, lines 71–73.

major premise ‘every act of fornication is to be avoided’, and she is also in a particular situation in which she formulates the minor premise ‘this act is fornication’. John argues that, as long as the agent ‘is not distracted by passion, then it is impossible to choose fornication.’⁷⁶ This is because in order to choose a particular action, ‘it must be considered beneath the aspect of the good (*sub boni ratione*), namely as pleasurable in the moment, because something is not “choose-able”, unless it is apprehended *sub boni ratione*’.⁷⁷ In this way, John argues, something cannot be apprehended under one major premise, namely, ‘this is to be avoided’, at the same time as it is apprehended under the opposite major premise, ‘this is to be chosen’.⁷⁸ So, he concludes, ‘it is impossible in that moment for the will to not be determined according to an actual (that is, particular) dictate of reason’.⁷⁹

The incontinent person is the model case for a voluntarist like Henry, who wants to assert the obvious fact that it is possible for people to do something when they know it is wrong. By deploying the practical syllogism, John is able to emphasize the subtle point that at a particular moment in time a person cannot see his action about which he has deliberated as both allowed and forbidden. Whenever we will something, it is because through our reason we have dictated — whether rightly or wrongly — that it is in some way good. John’s choice of argument to defend Aquinas in his *Circa* shows not only that Henry is one of the ‘adversaries’ to whom he is responding, but also what John thinks are Thomism’s best weapons against voluntarism.

If Henry’s attacks on Aquinas were significant in influencing John’s arguments in the *Circa*, they were all the more so when we consider certain questions in John’s *Commentarium in libros sententiarum*. Indeed, in *quaestio* 5, Dist. 24 of Book II, John sets up Henry as the opposing opinion, just as Henry had done to Aquinas in *quaestio* 16 of his *Quodlibet* I. In fact, John’s *quaestio* 5 is a direct response to Henry’s *quaestio* 16. Where Henry had asked ‘Whether with a

⁷⁶ ‘dum actu sic considerat non distractus passione, impossibile est hanc fornicationem eligere, quia si eligeret, oporteret eam considerare sub ratione boni, scilicet ut delectabilis ut nunc, quia non est aliquid eligibile, nisi sub ratione boni apprehensum’: John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 265, lines 76–79.

⁷⁷ See note 76 above.

⁷⁸ ‘Constat autem, quod quamdiu eam apprehendat sub una conditione, scilicet fugibilis, non potest eam apprehendere sub opposite ratione, scilicet eligibilis’: John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 265, lines 79–81.

⁷⁹ ‘Ideo impossibile est in tali puncto voluntatem non determinari secundum actualem sententiam rationis’: John Quidort of Paris, *Le ‘Correctorium corruptorii “Circa”*, ed. by Müller, p. 265, lines 82–83.

proposition from the intellect with a major and a minor good, the will is able to choose the lesser good', John asks, 'Whether with two goods that are proposed to the will, the will is able to will either one of them indifferently, and whether it is able to will the opposite of that, which has been dictated by the reason, so that it is able to choose against the dictate of reason'.⁸⁰ As this is very similar to the question posed in Article 51 of his *Circa*, John's commentary here shows him building upon his arguments from the *Circa* and further developing his defence of Aquinas. And again, because John is responding to Henry, we can see how Henry's specific concerns influence the way John sets out his own ideas.

John begins his response to the question asserting that there are two opinions on the matter. One opinion says that 'the will is able to choose nothing against the judgement of reason [...] because otherwise it would not be a rational appetite'.⁸¹ On this opinion 'the will is not free in desiring, unless the reason is free in judging'.⁸² The brutish appetite immediately follows the apprehension of the senses, because brutes are acted upon more than they act, whereas the will does not immediately follow the apprehension of the intellect, but rather waits for the intellect to deliberate.⁸³ Once the dictate has been made, 'it is necessary that the act of the will follow'. However, this act of the will is not necessitated except in the moment of deliberation.⁸⁴

⁸⁰ 'Utrum propositis duobus bonis ipsi voluntati voluntas possit velle indifferenter quodcumque illorum et utrum possit velle oppositum eius, quod sententiatum est a ratione, ita quod possit eligere contra dictamen rationis': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II (1964), bk. II, Dist. 24, q. 5, p. 176.

⁸¹ 'Una opinio dicit, quod voluntas nihil eligere potest contra rationis iudicium, ita quod propositis duobus a ratione, quorum alterum iudicatur a ratione esse eligendum, impossibile est voluntatem illud non eligere et oppositum velle; et quod nihil potest voluntas contra iudicium rationis, quia aliter non esset appetitus rationalis': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 176, lines 18–23.

⁸² 'Unde dicunt, quod voluntas non est libera in appetendo, nisi quia ratio est libera in iudicando': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 176–77, lines 23–24.

⁸³ 'quia appetites brutalis statim sequitur apprehensionem sensus, ita quod statim facit impetum, quia magis aguntur quam agant. Sed voluntas non statim sequitur apprehensionem intellectus, nisi intellectus desisteret a deliberando, sed exspectat deliberationem intellectus et dictamen rationis seu iudicium': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 177, lines 32–37.

⁸⁴ 'Et firmata sententia necesse est quod voluntatis actus sequatur. Et ideo non necessitatur nisi in puncto, scilicet deliberationis': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 177, lines 37–39.

The other opinion says that no matter how firm the dictate from reason, ‘nevertheless the will is able to choose the opposite by its own liberty’, and it does not have this liberty out of the judgement of reason, but out of itself.⁸⁵ Nevertheless, the will can be influenced in three ways: by reason (in the case of the continent man), by the passions (in the case of the incontinent man), and by itself.⁸⁶

John begins his own arguments by pointing out that he has already proved at least one part of this issue in his *Circa*: ‘I say that when by a rational dictate something is obliged to be chosen in the act and in the particular, it is impossible for the will to choose to the contrary [...]. And this is shown’.⁸⁷ The focus here, then, does not need to be on showing how the will acts ‘*in puncto*’, although this seems to be precisely the issue given the nature of the question. Rather, John now turns his attention specifically to the role of the *reason* when the will seemingly acts against its dictate. Thus, incontinence is still the subject of discussion, as it was in the *Circa*. However, whereas in the *Circa* John had explained the phenomenon of incontinence by explaining how particular directives could be placed under ‘permissive’ or ‘forbidding’ universal directives at different times, he sets out here to discuss incontinence by focusing more on the factors which cause reason to malfunction. In so doing, John offers a direct response to Henry’s voluntarist approach to incontinence and shows how, even though Henry uses Aristotle to support his arguments, Henry’s notion of incontinence is very different from that of Aristotle.

What is the role of reason, then, when the will chooses the bad? John’s first answer uses the tri-part distinction of appetites which was so central to Henry’s *quaestio* 16. If the reason dictates something that is bad, and the will wills it, then the will chooses the bad as something either that was apprehended or that was not apprehended. It could not act without apprehension, otherwise the

⁸⁵ ‘quantumcumque fuerit firmatum et sententiatum a ratione, quod hoc sit eligendum, voluntas tamen sua libertate potest oppositum eligere, ita quod suam libertatem non habet ex libero iudicio rationis, sed ex se et de se’: John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 177, lines 40–43.

⁸⁶ See John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 177–78, lines 43–65.

⁸⁷ ‘dico quod ratione sententiant e quod istud est eligendum in actu et in particulari, impossibile est voluntatem e contrario eligere, sed de necessitate fertur in electionem talis boni. Et hoc patet sic’: John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 178, lines 74–76.

will would be no different than a natural appetite.⁸⁸ Therefore, it must choose something that has been apprehended. However, nothing is apprehended under the aspect of the bad, because 'the bad is not desirable'. Therefore, whatever is apprehended as eligible for choice has to be apprehended as *sub ratione boni*.⁸⁹ Either this apprehension is from the senses or from the intellect. It cannot be from the senses; otherwise the will is no different from the brutish appetite. Therefore, if the will desires something that is bad, this bad thing must have been apprehended by the intellect, and the intellect must have erred, or was at least lacking knowledge, in apprehending this bad thing as *sub ratione boni*.⁹⁰ Thus, whereas Henry wanted to distinguish the will from the other appetites by giving the will the freedom to accept or reject reason's dictates, John wants to distinguish the will from the other appetites by underscoring what the will responds to. As a rational power, the will responds to the intellect: if it chooses the bad, it is because the intellect dictated the bad as *sub ratione boni*.

The will as a rational appetite is an important part of the theory of the practical syllogism (or, at least, the Thomist interpretation of the practical syllogism), and John comes to this topic next. He asserts that in the seventh book of the *Ethics*, the Philosopher explained how action comes about: if there is a universal proposition and a particular one, a conclusion must necessarily follow, and an action following that.⁹¹ However, John is aware that the voluntarist will not accept this explanation of action: 'But you say, as the Philosopher argues against himself, that many people use the words [of the syllogism], and nevertheless they do the opposite.'⁹² Aristotle had argued in the *Ethics* that incontinent peo-

⁸⁸ 'si ratio dictat hoc esse malum, et voluntas hoc velit, aut eligit illud ut apprehensum, vel ut non apprehensum. Si ut non apprehensum, non differt appetites voluntarius ab appetite naturali. Ergo eligit ut apprehensum': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 178, lines 77–79.

⁸⁹ 'Sed non ut apprehensum sub rationi mali, quia malum non est appetibile, ergo sub ratione boni': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 178, lines 80–81.

⁹⁰ 'Aut ergo sub ratione apprehensionis a sensu, aut ab intellectu. Non a sensu, quia non differret ab appetitu brutali. Ergo ab intellectu. Ergo, si appetat voluntas aliquid malum, oportet rationem errare vel nescientiam habere': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 178, lines 81–84.

⁹¹ See John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 179, lines 86–90.

⁹² 'Sed tu dices, sicut arguit Philosophus contra se, multi utuntur his verbis, et tamen faciunt oppositum': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 179, lines 92–93.

ple ‘use words that have their origin in knowledge,’ but that this proves nothing, since they are influenced by their passions to such an extent that they cannot act in accordance with these words.⁹³ They can even ‘recite proofs and verses of Empedocles,’ like children ‘who have just begun to learn can string words together, but do not yet know; it must grow into them, and this takes time.’⁹⁴

John uses this passage from Aristotle against the voluntarists to show that when people say one thing and do the opposite, it is not because the will is not a rational power; rather, we must look to a lack of understanding as the cause. These people use the words of the syllogism without understanding them: they ‘dissent in the heart’ from the syllogism, and therefore do not carry out the action which should follow.⁹⁵ So, John concludes, when ‘the will does or wills something that is against reason, the reason is obscured, and then something that is bad is comprehended as good. Whence the Philosopher says in the seventh book of the *Ethics*, that one does not act against reason, except on account of ignorance.’⁹⁶

John is quick to associate the ‘obscuring’ of reason not only with ignorance but also with deception. Aristotle had argued that what a person saw as ‘good’ depended upon their character: each ‘state’ of character has ‘its own conception of what is noble and pleasant.’⁹⁷ The virtuous person can see what is truly good in each case, ‘being a sort of standard and measure of what is noble and pleasant.’⁹⁸ For those who are not virtuous, however — that is, those whose passions are not rightly ordered — they are influenced by their passions so that they perceive what is merely pleasurable as what is good, and in this sense they are deceived: ‘pleasure seems to deceive them, because it looks like a good when

⁹³ See Aristotle, *Nicomachean Ethics*, ed. and trans. by Crisp, 1147a13–23, p. 124.

⁹⁴ Aristotle, *Nicomachean Ethics*, ed. and trans. by Crisp, 1147a24–28, p. 124.

⁹⁵ ‘quod utuntur his verbis Empedoclis et sicut pueri utuntur verbis quae nesciunt nec intelligunt. Verba enim Empedoclis errant metrica et difficilia ad intelligendum, et ideo utentes illis verbis aliquando non intelligebant ea. Ita est propositum, quia syllogizantes tali syllogismo, non intelligunt. Unde corde dissentiunt et actu non considerant’: John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, bk. II, Dist. 24, q. 5, p. 179, lines 94–98.

⁹⁶ ‘Unde ad hoc quod voluntas aliquid faciat vel velit quod sit contra rationem, obnubilatur ratio, et tunc aliquod malum comprehenditur ut bonum. Unde dicit Philosophus in VII Ethicorum, quod non contingit operari praeter rationem, nisi propter ignorantiam’: John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 179, lines 99–102.

⁹⁷ Aristotle, *Nicomachean Ethics*, ed. and trans. by Crisp, 1113a35–36, p. 45.

⁹⁸ Aristotle, *Nicomachean Ethics*, ed. and trans. by Crisp, 1113a37–38, p. 45.

it is not'.⁹⁹ Indeed, apprehending what is pleasurable as what is good is a classic case of apprehending what is bad as *sub ratione boni*.

Having explained that reason is 'obscured' when the will acts against reason, John asserts that he has come to the heart of the dispute between Thomists and voluntarists. 'We see the root of these two opinions', he says. In the second opinion (Henry's), 'it is imagined that the will is in the middle between the intellect and the senses, and that it can be swayed by each'. In Aquinas's opinion, however, 'he places reason in the middle between two appetites [...] the sensitive appetite follows sense, thus the intellective appetite follows the intellect'.¹⁰⁰

I said earlier that Henry saw a connection between his conception of the will and the themes of Book VII of the *Ethics*, where Aristotle explores why certain human beings struggle to follow the dictate of reason. While this is true, it is precisely Henry's conception of the will which demands an approach to incontinence that is foreign to Aristotelianism. Some scholars have argued that it is the concept of the will in general which separates Aristotle from the medieval scholastics — including Aquinas — and indeed even moral philosophy in general from Augustine onwards.¹⁰¹ Others argue that Aquinas's conception of *voluntas* allows him to stay faithful to Aristotle and that it was the voluntarists after Aquinas who departed from Aristotelianism.¹⁰² And there are those who argue that there are ways in which Aristotle may be considered to have a theory of the will, finding in him themes such as choice and intention.¹⁰³ This is not the occasion to discuss whether Aristotle had a notion of the will and how it differs from later concepts. But what I do want to argue is that John offers a valuable insight into how a voluntarist conception of the will like Henry's is incompatible with Aristotelian practical reasoning.

⁹⁹ See Aristotle, *Nicomachean Ethics*, ed. and trans. by Crisp, 1113b1–3, p. 45. John says: 'quod multis contingit deceptio propter delectationem. Unde, quia apprehendunt delectabile tamquam bonum, ideo feruntur in ipsum', John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, bk. II, Dist. 24, q. 5, p. 179, lines 102–04.

¹⁰⁰ 'Secunda opinio imaginatur quod voluntas sit media inter intellectum et sensum, et ita possit flecti ab utroque. Alia opinio, rationem esse mediam ponit inter duos appetitus [...] sicut appetitus sensitivus sequitur sensum, ita intellectivus intellectum, et ideo ratio est media inter duos appetitus': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 179, lines 105–12.

¹⁰¹ See for instance Merken, 'Transformations of the Ethics of Aristotle', pp. 158–59.

¹⁰² For a thorough treatment of this thesis, see Westberg, *Practical Right Reason*.

¹⁰³ For a discussion of whether Aristotle has a notion of the will, see Price, 'Aristotle, the Stoics and the Will'.

By giving the will the freedom to accept or reject reason's dictates, John explains that Henry places the will at the centre between the intellect and the senses. Radically separated from each, the will has sole responsibility for decision in practical reasoning. It can be influenced by the intellect or the passions, but it is the will which explains wrong behaviour by the way it responds to reason's dictates. For Aristotle, on the other hand, the focus in explaining behaviour is more on the operation of reason — that is, on how the reason is influenced as it formulates its dictates. An agent has 'ends' for which he acts, and formulating these ends includes input not just from his intelligence, but also from his desires.¹⁰⁴ So, the directives which he formulates reflect not just his reason, they reflect his whole character, and they are put into action because they were dictated *with desire*.¹⁰⁵ This model of Aristotelian practical reasoning is reflected in the model of practical reasoning that John attributes here to Aquinas, where reason is between two appetites, and it is therefore reason, rather than the will, that is influenced directly by passion. We must look to disordered passions which affect the agent's perspective and outlook on life in order to explain wrong behaviour: 'Sensuality will not have an effect in the will, unless mediately through the intellect, and thus the intellective appetite will not follow sensuality, unless reason is obscured'.¹⁰⁶

Contra the voluntarist model, then, the incontinent man is the one whose reason is influenced by passion. John uses the idea of the will as a rational appetite to emphasize that the will responds to the reason, *not* the senses, and it is therefore affected by passion only to the extent that the reason has been affected by passion. So, when Saint Bernard says that 'the will acts against reason', John asserts that this means the will either acts against right reason, and follows erroneous reason, or acts against erroneous reason and follows right reason.¹⁰⁷ For John, there is a sense in which the voluntarist model, which denies the will as a rational appetite, simply cannot work, since the will always chooses something dictated by the reason. The voluntarist question, put another way, is 'can the will

¹⁰⁴ Price, 'Aristotle, the Stoics and the Will', p. 39.

¹⁰⁵ Price, 'Aristotle, the Stoics and the Will', p. 39.

¹⁰⁶ 'Et ideo sensualitas numquam habebit effectum in voluntate, nisi mediante intellectu, et ideo numquam appetitus intellectivus sequitur sensualitatem, nisi obnubiletur ratio': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, bk. II, Dist. 24, q. 5, pp. 179–80, lines 112–14.

¹⁰⁷ 'Ad aliud, cum dicitur de beato Bernardo, quod voluntas agit contra rationem, dico quod agit contra rationem rectam, sequendo erroneam, vel contra erroneam, sequendo rectam': John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II, 181, lines 145–47.

choose a *dictate* contrary to the dictate of reason?’ But John maintains that this dictate would still be a dictate of reason, albeit erroneous reason. And would the will knowingly choose erroneous reason, that is, would it knowingly choose the wrong dictate over the right dictate? We have seen with John’s use of the practical syllogism that he believes it cannot: in the moment — and it only need be a moment — the passions influence one’s perspective on how particular acts fit in with universal dictates, so that what is bad can be rationalized as *sub ratione boni*. In this way, John sees that the phenomena of ignorance, passion, deception, and incontinence in moral reasoning are all better explained in a model where the reason and the will experience the force of the passions in conjunction with one another rather than separately.

Thus, both the *Circa* and the commentary on the *Sentences* show John to be a forthright, even unapologetic, defender of Aquinas’s theory of the will as a rational appetite. John’s insightful criticisms of voluntarism show him to be not simply parroting Aquinas, but rather adapting Thomism to respond effectively to the changing philosophical climate of the time. However, more scholarship needs to be done on the way the authors of the other *Correctoria* — as well as other very early Thomists — defend Aquinas’s rational will before we can properly assess the extent of John’s achievement of staying faithful to the spirit of Thomism while developing it in a new circumstance. For now, we can appreciate that his efforts to assert the will as rational led him to propound a more integrated view of the soul than voluntarism could provide. In our day, with a renewed interest in Aristotelian practical reasoning, John’s work gives food for thought as we consider what it means to act well and to be free.

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Part 3

Concepts and Ideas

JOHN OF PARIS, PRIVATE PROPERTY, AND THE STUDY OF MEDIEVAL POLITICAL THOUGHT

Gerson Moreno-Riaño

The place of John of Paris within the history of economic and political thought is a peculiar one. Known primarily for his erudite writings in theology and philosophy as well as for the various controversies in which he found himself, John of Paris did not articulate what could be considered a comprehensive economic or political doctrine. What can be considered his most extensive economic and political work is *De potestate regia et papali*, an extensive discussion of *dominium* as it regards the Church and the laity. Given all of his other writings, John's discussion of *dominium* is relatively brief in comparison. Thus, it is surprising to note the degree to which scholars consider the Dominican thinker's work to be infinitely malleable. The origins of capitalism, the modern state, and Early Modern conceptions of property *inter alia* have been attributed in part to none other than John of Paris. It appears to be the case that John of Paris is 'a man for all seasons'.¹

Intellectuals and their ideas have a complex genealogy and post-mortem influence. Political thinkers and their intellectual work are no exception. They attempt to evaluate their surrounding milieu and propose original solutions to its ills. Such originality, however, is never *in vacuo*. Thinkers and their work have origins that reach far beyond the context of their existence.² The influence of

¹ I borrow this title from Robert Bolt's 1954 play related to Sir Thomas More.

² Consider, for example, the political, cultural, and psychological context that influenced Thomas Hobbes. Perhaps in a fit of embellishment, Hobbes claimed that the rumoured invasion

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their work is also complex. The work of political thinkers often takes on a life of its own illustrating both the depth of their insight as well as the difficulty of interpretation.³ Given the intricate origins, development, and effects of a thinker's political ideas, scholars are confronted with a quandary regarding how best to understand and interpret their work. Cary J. Nederman has provided the field of political thought with a great contribution in focusing the historiography of political thought upon the complex and often indeterminate interplay between continuity and discontinuity.⁴ This theory of historical complexity suggests that indeterminacy is an essential part of historical interpretation leading one to be modest about one's claims. But modesty alone is not the end. If indeterminacy is forever a part of historiography, then the scholar must redouble his or her efforts to offer an interpretation that is not only accurate but also avoids both anachronism and presentism. Nowhere is this more relevant than in speaking about the *De potestate regia et papali* of John of Paris.

The first part of this essay presents an interpretation of the Dominican thinker's principles related to private property as found in *De potestate*. There is more at stake in this interpretation, however, than merely an exploration of the Dominican's understanding of private ownership. This interpretation also serves as a conduit to consider and evaluate a number of interpretative claims related to John of Paris's work and its influence. This is the core of part two of this essay. The interpretation and critique offered therein are conservative — they rely solely on what John himself stated in *De potestate* and employ a question-centred critique of some of John's modern interpreters. The essay then concludes with a brief observation related to Nederman's continuity-discontinuity paradigm as it relates to the thought of John of Paris.

of England by the Spanish Armada caused his mother to deliver Hobbes's twin, viz., fear. As Condren suggests, 'The fear of unnatural death generated by the armada was a quintessentially Hobbesian fear': Condren, *Thomas Hobbes*, p. 1. The culture of instability and fear that existed prior to and during Hobbes's young life belongs to the genealogy of his intellectual development and productivity.

³ A case in point is the wide-ranging interpretations of Marsilius of Padua's *Defensor pacis*. In 1951, Alan Gewirth penned perhaps one of the greatest introductions to the life and work of any political thinker when he wrote that the 'diversity in the descendants attributed to Marsilius is startling enough to indicate something of the complexity and the fecund suggestiveness of his ideas' given the fact that his interpreters related Marsilius both to the Protestant Reformation as well as Karl Marx's materialist interpretation of history. See Gewirth, *Marsilius of Padua*, p. 5.

⁴ See Nederman, *Lineages of European Political Thought*.

John of Paris on Private Property

First and foremost, it is important to note that John of Paris was a man and scholar committed to the Christian faith. He was a member of the Dominican religious order as well as a Christian theologian and philosopher. Throughout his philosophical, theological, and political works, one finds no reason for doubting the sincerity or authenticity of his commitment to the Christian faith.⁵ Judging whether or not this commitment to Christianity is prior to any other philosophical or political commitment and, thus, influential to all of his work is of vital concern. It is clear, at least as evidenced in *De potestate regia et papali*, that the fundamental grounding of John's arguments is, as he states, 'in nothing I assert do I purpose anything against faith, good morals or sound doctrine'.⁶ It is 'faith and sound doctrine' — Christian faith and sound Christian doctrine — that provide the parameters for John's exploration of royal and ecclesiastical power. Furthermore, it is important to note that John presupposes a holistic understanding of life that rejects antagonistic dualisms. In the prologue of *De potestate*, John cites Boethius's *Liber de persona et duabus naturis contra Eutychen et Nestorium*, a tract written to address the deity and humanity of Christ, as an example of the wholeness not fragmentation of the Christian faith. This suggests that John's use of Aristotle or natural law does not make him a medieval Aristotelian or an Early Modern natural law thinker who articulates a political naturalism distinct from, separate to, and perhaps even hostile towards Christianity.⁷ Rather, the Dominican of Paris articulates a political philosophy that integrates various sources and arguments with the Christian faith to provide a harmonious synthesis. This does not suggest that John is a 'serious pragmatist' or polemicist.⁸ Rather, it demonstrates his commitment to articulating the relevance of his understanding of the Christian faith in a dynamic medieval Latin Europe.

⁵ To the contrary, Thomas J. Renna argues that John of Paris was a 'serious pragmatist who rummaged Aquinas' writings in search for usable texts': Renna, 'Aristotle and the French Monarchy', p. 322. This suggests that the Dominican of Paris was more of a polemicist than a principled intellectual.

⁶ *Depotestate, Proemium* (Leclercq, p. 175; Bleienstein, p. 72); English translation: Watt, p. 73.

⁷ For example, Cary J. Nederman argues that John 'challenged the logic of universalism in the temporal sphere by adapting Aristotelian naturalism to explain diversity in the political order': Nederman, *Worlds of Difference*, p. 86.

⁸ Renna, 'Aristotle and the French Monarchy', p. 322.

In *De potestate*, John of Paris's starting point is the nature of error. John begins with the basic claim that truth or faith is always situated as a mean between two extremes — a 'middle position between two opposing errors' or 'antithetical views'.⁹ John rejects irreconcilable dualisms and their grounds for justification. Truth, synonymous with sound Christian doctrine, is that which is honourable, virtuous, and ultimately beneficial for all involved. The extremes that ecclesiastical pontiffs either have no *dominium* (ownership) or absolute *dominium* over temporal things only benefit a selected group in the community. The middle way, something which John only hints at in the prologue, stands to benefit all of the community. John's starting point is important given that his concern is not simply economic or political. He is attempting to articulate a virtuous jurisdictional arrangement to secure the highest possible good for all involved. The question is not solely about self-interest and the individual. It is about a comprehensive moral vision for the community.

John's intention becomes more evident as he begins to discuss the nature of royal and ecclesiastical offices. The common good is the purpose of royal rule over human beings. John demonstrates some ambivalence concerning the character of this common good. He states that the objective of political rule over a community is 'unity and peace [...] there can be no community where unity and concord is missing'.¹⁰ Further, the Dominican argues that living according to virtue is 'such good as nature can bestow on [man]' and towards which human beings have been ordered.¹¹ While many scholars have interpreted John of Paris's common good as embodying the life of virtue, the case is not as clear as one may wish it to be.¹² John conclusively argues that the common good of a community is unity, peace, and concord. Further, he conclusively argues that the only way

⁹ *De potestate, Proemium* (Leclercq, pp. 173, 175; Bleienstein, pp. 69, 72); English translation: Watt, pp. 69, 73. John of Paris is referring to Boethius's argument in *Liber de persona et duabus naturis contra Eutychem et Nestorium* concerning the nature of Christ where he writes: 'But if you think of God, the same is God and man, being God by nature, man by assumption. And in Him nature becomes double and substance double because he is God-man, and One Person since the same is man and God. This is the middle way between two heresies, just as virtues also hold a middle place. For every virtue has a place of honour midway between extremes. For if it stands beyond or below where it should it ceases to be virtue. And so virtue holds a middle place.' See Boethius, *A Treatise against Eutyches and Nestorius*, trans. by Stewart and Rand, chap. 7.

¹⁰ *De potestate*, c. 1 (Leclercq, p. 177; Bleienstein, p. 76); English translation: Watt, p. 78.

¹¹ *De potestate*, c. 2 (Leclercq, p. 178; Bleienstein, p. 78); English translation: Watt, p. 80.

¹² See, for example, Ozment, *The Age of Reform*; Kempshall, *The Common Good*; Kempshall, 'Ecclesiology and Politics'; Avis, *Beyond the Reformation?*

to acquire this common good is through the virtuous leadership of one person since the latter 'will the better keep peace' and has more discernment about what is common.¹³ John also states that man is ordered to the natural good of living according to virtue and argues that the entire community of men 'living according to virtue' is also ordered towards the supernatural end of eternal life. John does not expressly relate the communal common good of unity, peace, and concord to the human good of virtue. He states that a human being is ordered to live according to virtue as his natural end but does not expressly suggest that the natural end of the community is also virtue. Some have suggested that John's comments in Chapter 17 of *De potestate* demonstrate that he equates the common good of the community with the life of virtue.¹⁴ As John writes:

The corporeal is ruled by the spiritual and depends on it causatively. This argument is fallacious as it is put, on a number of counts. It fails in the first place because it assumes that royal power is corporeal and not spiritual and that its charge is of bodies and not of souls. This is false for, as has been shown above, its purpose is the common good of the citizens; not any good indeterminately, but that good which is to live according to virtue. Hence the Philosopher says in his *Ethics* that the intention of the legislator is to make men good and lead them to virtue.¹⁵

In a similar passage in Chapter 18, John discusses the argument that there cannot exist true kingship without true justice. He writes:

It must be said that acquired moral virtues can be complete without theological virtues; they are not completed by them, except by a certain incidental completion [...]. Thus there is that true and complete justice necessary to the government of a kingdom without Christ's rulership, since a kingdom is ordered to life according to acquired moral virtue. This may be completed incidentally by virtues of other sorts.¹⁶

In both of these passages, John's emphasis concerns the nature of kingly rule, not necessarily the nature of the common good. It is the nature of kingly power to lead human beings towards moral goodness not towards just 'any common good whatever'. This admits of the possibility that other types of common good exist as well as other types of political rule for those kinds of common good. This helps to explain why John does not expressly argue that the common good

¹³ *De potestate*, c. 1 (Leclercq, p. 177; Bleienstein, p. 76); English translation: Watt, p. 78.

¹⁴ For example, Ozment, *The Age of Reform*, p. 149.

¹⁵ *De potestate*, c. 17 (Leclercq, p. 225; Bleienstein, p. 157); English translation: Watt, p. 182.

¹⁶ *De potestate*, c. 18 (Leclercq, p. 229; Bleienstein, p. 163); English translation: Watt, p. 191.

of a community is virtue but rather unity, peace, and concord. A single virtuous ruler — a king — is ‘more useful’ in bringing about unity, peace, and concord, but John is silent about a king and communal virtue.

The lack of a supreme monarch, unlike the need for a supreme bishop over the Church, is another strong piece of evidence concerning the general nature of John’s understanding of the communal common good. According to the Dominican of Paris, the Church requires unity of faith to maintain its own corporate unity. Moreover, on the basis of divine design, the Church is one and its supreme end is one — divine worship. While there may be diverse kingdoms and peoples, the faithful are one and the Christian faith is one, and therefore, a supreme ecclesiastical minister is needed to provide for peace and unity within the body of Christ. This is not the case as it concerns political life. John argues that there is a diversity of communities with their own unique well-being, and these require different types of rulers so as to make the need for one supreme monarch impractical and unnatural. Just as there is a multiplicity of communities necessitating various rulers, so too is every individual that works a certain type of ruler as well. While rulers work to bring about the well-being of their communities, John proposes that individuals that work and acquire temporal goods become near absolute rulers of these goods and exercise ‘valid lordship’ (*verum dominum*) over these goods since these have been acquired through personal effort, ‘their own skill, labour and diligence’.¹⁷ Even as a ruler oversees a political community, so too do individuals oversee their own community of temporal goods. Likewise, even as John implies that there may be other communal common goods besides that of virtue, he clearly admits that temporal goods ‘are not mutually interordered or interconnected nor do they have any common head who might dispose of and administer them’.¹⁸ There is no universal common good guiding the use and administration of private property since in this regard the individual is king. The only exception to this near limitless *dominium* is the intervention of a ruler or pope on the basis of communal necessity — situations of extreme necessity for the maintenance of the social order and survival of the faith. Beyond cases of survival, the *dominium* of individuals over their own temporal goods cannot be broached.

John of Paris vigorously defends an argument for the private nature of temporal goods insofar as these are individualized through labour. It is important

¹⁷ *Depotestate*, c. 7 (Leclercq, p. 189; Bleienstein, p. 96); English translation: Watt, p. 103. See also *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, pp. 82–83); English translation: Watt, p. 86.

¹⁸ *Depotestate*, c. 7 (Leclercq, p. 189; Bleienstein, pp. 96–97); English translation: Watt, p. 103.

to note that this is merely an argument for the decentralization of *dominium* not a full economic theory of private property or a natural right account of the ownership of property. He is not making a metaphysical or ontological claim concerning the nature of property or of the individual. Rather, he is articulating the sphere for both the use and ownership of goods within a Christian community. Thus, his argument is not essentially economic or modern. This being the case, it is difficult to understand how it would be possible to suggest that John's argument somehow foreshadows modern conceptions of property and politics.

Interpreting John of Paris

John of Paris has often been misunderstood. There is clear evidence that the Dominican was certainly misunderstood while he was alive given the many theological controversies in which he found himself.¹⁹ But such misunderstandings did not cease upon his death. Many of John's twentieth-century interpreters have suggested that he was a medieval prophet of modernity whose work prepared the way for liberal capitalism, modern property rights, the modern state, and the separation of theology from politics.²⁰ These interpretations are entirely at odds with the Dominican's Christian account of *dominium* and its implications for political rule and communal life in *De potestate regia et papali*. In what follows, a brief and critical survey of John's modern interpreters is provided.

One of the key aspects of John of Paris's thought in *De potestate regia et papali* that may lead observers to suggest that he is a medieval prophet of modernity is his view concerning property. Simply stated, John argues that property or external goods are 'acquired by individual people through their own skill, labour and diligence' with individual persons 'as individuals' exercising the 'right and power over it and valid lordship (*dominium*)'.²¹ For John, such dominion allows an individual to 'order his own and dispose, administer, hold or alienate it as he wishes, so long as he causes no injury to anyone else, since he is lord. [...]

¹⁹ See the prefatory essay to this volume for an outline of these controversies.

²⁰ These claims are considered further in the pages that follow. Works exemplifying some of these arguments are the following: Von der Heydte, *Die Geburtsstunde*, concerning the modern state; Wood, *Medieval Economic Thought* and Coleman, 'Pre-Modern Property and Self-Ownership'; concerning modern property rights; Friedman, *Legal Theory* and Coleman, *A History of Political Thought*, for the separation of theology from politics; and Coleman, 'Medieval Discussions of Property', concerning John's anticipatory thought.

²¹ *De potestate*, c. 7 (Leclercq, p. 189; Bleienstein, p. 96); English translation: Watt, p. 103.

since each person may arrange for his own what he will'.²² John's view regarding external goods has been interpreted as a theory of property peculiar for its time and anticipating that of John Locke since it appears to be the case that John suggests that property and its ownership is natural to human beings.²³ If indeed it is the case that John of Paris's theory of property is anticipatory and even radical in nature, then one would have to consider the grounds for such peculiarity and radicalness. One possible candidate for consideration is the suggestion of some modern interpreters that the Dominican's thought embodies either a separation of law and morality or of theology and politics. For example, Walter Ullmann argued that John of Paris developed a theory of politics based on an autonomous concept of nature that allowed for the separation of law and morals.²⁴ Since politics was natural and autonomous, so was property. Wolfgang Friedman wrote that John of Paris advanced 'the first great argument for the division of spiritual and secular power' helping to facilitate future social contract theories.²⁵ Frederick Copleston suggested that John of Paris 'presupposed a state of nature' in his political philosophy, with Alain Pottage and Martha Mundy claiming that, starting with John of Paris and ending with John Locke, thinkers sought for a justification of private property 'outside of historical time in a state of nature or in an original delegation by God to Adam'.²⁶ Cary J. Nederman further expounds this separation thesis by suggesting that John of Paris 'in effect detaches the demands of Christian universalism in the spiritual sphere from any secular political implications, on the grounds that the arrangement of civil life is a natural matter that corresponds with physical and geographic differences between groups'.²⁷ John's most extensive modern interpreter, Janet Coleman, has argued that the Dominican's political naturalism advances a 'separation of

²² *De potestate*, c. 7 (Leclercq, p. 189; Bleienstein, pp. 96–97); English translation: Watt, p. 103.

²³ For example, Diane Wood writes that John of Paris 'anticipated John Locke's idea that man by joining the labour of his body to something made it his property. John of Paris, like Locke, saw the origins of property in the state of innocence and therefore as natural': Wood, *Medieval Economic Thought*, p. 25. Janet Coleman has intimated a similar conclusion. See Coleman, 'Medieval Discussions of Property'; Coleman, 'Dominium in Thirteenth- and Fourteenth-Century Thought'; Coleman, 'Pre-Modern Property and Self-Ownership'.

²⁴ Ullmann, *Principles of Government*, pp. 263–65.

²⁵ Friedman, *Legal Theory*, p. 25.

²⁶ Copleston, *A History of Philosophy*, p. 349; Pottage and Mundy, *Law, Anthropology, and the Constitution*, p. 143.

²⁷ Nederman, *Worlds of Difference*, p. 86.

politics from theology by insisting that civil authority was autonomous, sovereign in the realm of temporal property, and free of ecclesiastical coercion'.²⁸ For some of these scholars, John's understanding of property reflects a deeper and prophetic philosophical commitment to a type of political naturalism that at best co-exists with Christianity and at worst is completely separate from the latter.

It is prudent for us as interpreters of John of Paris to heed the counsel of two important works addressing the history of medieval political thought. First, Matthew Kempshall warns scholars against the temptation to suggest that John of Paris's thought was radical and anticipatory in nature. As Kempshall observes, while John may have recognized 'the existence of separate spheres of temporal and ecclesiastical jurisdiction', he never absolutely separates them.²⁹ Further, one of the earliest treatments of John's work in the twentieth century was that of A. J. Carlyle and R. W. Carlyle.³⁰ It is noteworthy that scant attention is given to John's view of property in this piece of important — though far from perfect — scholarship. Carlyle and Carlyle suggest that the only anticipatory characteristic in *De potestate regia et papali* is related to 'the development of the Conciliar movement' and view the Dominican's work as reasserting the Gelasian tradition.³¹ These important observations should cause us to pause and consider the following interpretive question: what motivates interpreters of John of Paris to see the present and/or the future in the thought of a thirteenth-century Dominican thinker? Is it possible to attribute a degree of presentism or anachronism to many of the modern interpreters of John of Paris? Is it possible that many of these interpreters commit the same error John warns against in the prologue of *De potestate* — namely, in seeking to avoid a certain error modern interpreters of the Dominican fall into its opposite? How can one make sense of the discontinuities found between what John in fact advanced and what his modern interpreters claim he meant?

²⁸ Coleman, *A History of Political Thought*, p. 120.

²⁹ Kempshall, *The Common Good*, p. 283. On this topic, see also the essay by Canning in this volume.

³⁰ Carlyle and Carlyle, *A History of Mediaeval Political Theory*.

³¹ Carlyle and Carlyle, *A History of Mediaeval Political Theory*, p. 423.

John of Paris and the Study of Medieval Political Thought

It is highly probable that John's unique, though certainly not idiosyncratic, arguments were what caught the attention of modern interpreters seeking to explain and understand the development of modern political thought and institutions. Thus, in their search for the origins of modern political ideas as well as in their creation of the latter's genealogy, historians included what appeared to be a medieval oddity — a Dominican who articulated an account of property and power that resembled those of the modern period. How can one make sense of this decision? There are two possible explanations for this choice: one is based on the hermeneutical task of the historian and the other is related to the values of the historian. Both demand an extensive treatment and are briefly introduced in this conclusion.

In his 2006 book *Marsilius of Padua and the 'Truth of History'*, George Garnett concludes that some interpretations of Marsilius of Padua are emblematic of a 'postmodern patina'.³² According to Garnett, this patina is evidenced primarily through the use of Marsilius's *Defensor pacis* as a 'prism', an ingenuous interpretative and anachronistic device through which 'modern political theorists can, as it were, overleap the intervening centuries and engage in direct "dialogue" with Marsilius about modern concerns'.³³ Is it possible that modern scholarly and popular interpreters of John of Paris have also used *De potestate* as a 'prism', a hermeneutical device to speak directly with the Dominican about modern concerns such as liberal capitalism, the modern state, and the separation of ethics and theology from law and politics? In short, the answer is 'yes'. In seeking to explain the rise and existence of the secular modern state and the atomized individual of liberal capitalism, modern interpreters overlooked or ignored the Christian foundation of John's work and his intractable commitment to this Christian worldview. Not only did John's modern interpreters ignore the gaps of centuries between John and modernity, they also ignored the centuries and contexts that 'made' John be who he was. In short, modern interpreters of John of Paris saw the Dominican reflect what they themselves believed to be true or what they considered worthy of study, overlooking key aspects of John's identity. This is not only anachronistic or presentist. It is also a value-laden approach to the study of medieval political thought demonstrat-

³² Garnett, *Marsilius of Padua*, p. 8.

³³ Garnett, *Marsilius of Padua*, pp. 7–8.

ing that our 'value-orientations' can at times make the pursuit of historical objectivity a difficult though not impossible one.³⁴

The study of medieval political thought is laden with dangers. Presentism, anachronism, value-bias, and many other 'evils' plague the task of the intellectual historian. It is critical that in the study of John of Paris and other great medieval thinkers scholars pursue an objective understanding of the past within the parameters of continuity, discontinuity, and the overwhelming complexity that characterizes not only the past but, most importantly, human action. John of Paris articulated a unique conception of *dominium* and private property in response to a very real historical situation. This is what can be known for certain. How this influenced future thinkers, institutions, and political realities will always be indeterminate and matters for conjecture — unless there are concrete lineages that actually exist and are not artificially fabricated.³⁵ Thus, as Nederman advises and demonstrates, one must carefully trace the lineages of political thought. The (mis)interpretations of John of Paris provide a prescient example of the importance of this task.

³⁴ For the classic treatment of the value-oriented dimension of social and historical enquiry, see Nagel, *The Structure of Science*.

³⁵ Coleman has demonstrated that a possible lineage exists between John Locke and John of Paris through Pierre d'Ailly's plagiarization of the Dominican's work. Coleman asserts that while 'no direct reference to John of Paris's *De potestate regia et papali*' can be found in Locke's library listings, it is clear that Locke did possess the entire corpus of d'Ailly and could have been familiar with *De potestate*'s arguments: Coleman, 'Dominium in Thirteenth- and Fourteenth-Century Thought', p. 98. This 'living tradition of thought', as Coleman suggests (*ibid.*, p. 100; emphasis in the original), confirms that even in cases where a possible lineage may exist, its application could be significantly different than that which the original author may have intended.

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JOHN OF PARIS AND THE IDEA OF PEACE IN THE LATE THIRTEENTH AND EARLY FOURTEENTH CENTURIES

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The turn of the thirteenth and fourteenth centuries was a watershed in the history of European political thought; it was during this period that a number of new genres of political writing emerged. Probably the best known genre is the treatise on power. Giles of Rome wrote on ecclesiastical power,¹ while John of Paris wrote on royal and papal power.² Augustine of Ancona (Augustinus Triumphus) wrote a *summa* on ecclesiastical power,³ whereas William of Ockham's 'swan song' was a treatise on the power of emperors and popes.⁴ Against the backdrop of political disputes first between Pope

* I am grateful to the two anonymous readers for their helpful comments and to Stephen Conway for his help during the preparation of this article. This chapter is part of a research project that was supported by the Marsden Fund of the Royal Society of New Zealand between 2008 and 2010.

¹ Giles of Rome, *De ecclesiastica potestate*, ed. by Scholz; Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson.

² John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein; John Quidort of Paris, *De potestate regia et papali*, ed. by Leclercq. I use and cite, often with modifications, the following English translation: John Quidort of Paris, *On Royal and Papal Power*, trans. by Watt.

³ Augustine of Ancona, *Summa de ecclesiastica potestate*.

⁴ William of Ockham, *De imperatorum et pontificum potestate*, in *Opera politica*, IV, ed. by Offler. Also the English translation: William of Ockham, *On the Power of Emperors and Popes*, ed. and trans. by Brett.

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Boniface VIII (r. 1294–1303) and Philip IV the Fair of France (r. 1285–1314) and later between Pope John XXII (r. 1316–34) and the German claimant to the imperial throne Ludwig of Bavaria (d. 1347), politically conscious intellectuals intervened in *Realpolitik* by offering theoretical accounts of the nature of competing powers.

Perhaps a less well-known genre which emerged in this period is writings on peace. The late thirteenth-century Franciscan Guibert of Tournai wrote a highly speculative *Treatise on Peace*,⁵ while the Italian Dominican Remigio de' Girolami produced a short but dense account *On the Good of Peace*.⁶ Probably the most widely known work on peace in this period came from the pen of the Italian physician and political philosopher Marsilius of Padua, whose *Defensor pacis* proved to be highly controversial.⁷ The literary genre of peace writings continued to survive well into the fifteenth century: Christine de Pizan offered a secular and realistic account of the causes and deterrence of wars in *The Book of Peace*,⁸ while Nicholas of Cusa discussed peace in the religious context in his *On the Peace of Faith*.⁹ Apart from works which bear the word 'peace' in the title, political thinkers at the turn of the thirteenth and fourteenth centuries were conscious of the question of peace. After Thomas Aquinas wrote extensively on peace in his massive corpus including in the *Summa theologiae*,¹⁰ Henry of Ghent discussed peace in the Augustinian fashion in his theological works.¹¹ Dante and Engelbert of Admont's defence of the Empire envisaged universal peace under the supreme authority of the Roman Emperor.¹²

⁵ Guibert of Tournai, *Tractatus de pace*, ed. by Longpré. This is not to suggest, of course, that there were no writings on peace before the middle of the thirteenth century. See, for example, Rufinus, *De bono pacis*, ed. and trans. by Deutinger. For a survey of medieval literature on peace, see Arnold, 'De bono pacis'.

⁶ Remigio de' Girolami, *De bono pacis*, in De Matteis, *La 'teologia politica comunale'*, pp. 53–71; Davis, 'Remigio de' Girolami and Dante'.

⁷ Marsilius of Padua, *The 'Defensor pacis'*, ed. by Previté-Orton; Marsilius of Padua, *Defensor pacis*, ed. by Scholz. Also two English translations: Marsilius of Padua, *The Defender of Peace*, trans. by Gewirth; Marsilius of Padua, *The Defender of the Peace*, trans. by Brett.

⁸ Christine de Pizan, *Livre de la paix*, ed. by Willard; Christine de Pizan, *The Book of Peace*, ed. and trans. by Green and others.

⁹ Nicholas of Cusa, *De pace fidei*, ed. by Kilbansky and Bascour.

¹⁰ Aquinas, *Summa theologiae*, ed. and trans. by Batten, xxxiv, 11a11ae, q. 29, pp. 195–205.

¹¹ Kempshall, *The Common Good*, pp. 201–02.

¹² Engelbert of Admont, *De ortu et fini Romani imperii*; English translation: Engelbert of Admont, 'On the Rise and End of the Roman Empire', pp. 37–93.

James of Viterbo, by contrast, provided a papalist vision of universal peace.¹³

The aim of the present article is to reconstruct John of Paris's vision of peace in the context of the contemporary literary tradition of peace writings. John does not discuss peace in any systematic fashion; his major political work, *De potestate regia et papali*, only includes some unsystematic remarks on peace and related topics. The idea of peace is not among the topics which have been addressed in modern scholarship on John of Paris. Perhaps the only exception is Tomaž Masnak's study of the discourses on peacemaking in the Middle Ages, which presented John as a proponent of the independence of royal power from imperial authority; in it, Masnak does not examine John's idea of peace per se.¹⁴ Matthew Kempshall's meticulous study of late thirteenth- and early fourteenth-century political thought often touches upon the idea of peace in relation to the dual notion of the common good (that is, the Aristotelian idea of the common good as the fulfillment of communal virtuous life and the Augustinian idea of the common good as temporal peace and order), but does not have anything significant to say in relation to John's discussions of peace.¹⁵ This article is therefore intended as a corrective by filling the gap in scholarly treatment of John's idea of peace.

What follows explores John of Paris's idea of peace in a twofold way. First, I shall explore John's discussions of peace according to the contexts in which he touched upon peace. On three occasions, John's *De potestate* mentions peace. First, John's discussion of peace is underpinned by his idea of human diversity. John's naturalistic acceptance of human diversity, which is a reflection of the diversity of geographical and climatic environments, forms a basis for secular political pluralism, a position opposed by his near contemporaries such as Engelbert of Admont and Dante. Second, peace is associated with John's pessimistic portrayal of Roman history. Again, I shall compare and contrast John and Engelbert especially on their reading of Saint Augustine. Third, and finally, John touches upon peace in the context of his discussion of private property. John's views on the relationship between peace and private property rights will be examined in contrast with that of the Dominican Remigio de' Girolami. After presenting the contextual reading of John's discourse on peace, I shall attempt to characterize John's idea of peace in light of three conceptions of peace which derive from Johan Galtung's taxonomy of the idea; that is, Greek,

¹³ James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson.

¹⁴ Masnak, *Crusading Peace*, pp. 314–17.

¹⁵ Kempshall, *The Common Good*, pp. 282–92.

Roman, and Christian. We shall see that, unlike his contemporaries, John's idea does not fit neatly into any of the three categories. From these observations, I shall conclude that John's 'negative' idea of peace reflects the critical nature of his political programme: the deconstruction of political universalism such as papalism and Roman imperialism. The reverse side of this is John's tacit optimism about the possibility of peace: he believes that peace will be realized once the encroachment of universalism is prevented.

Peace and Diversity

One important context in which John discusses peace in his *De potestate* is his rejection of universal monarchy. He adamantly refuses to accept the idea that the temporal rulership of the world requires the rule of a single man, which, in his view, could not be derived from either divine or natural law. The rejection of the necessity of the universal rule of a man — the Empire — is bolstered by two authorities: Aristotle and Augustine. Aristotle maintains, John avers, that the emergence of the kingdom in cities and regions is natural but not the emergence of the empire or universal monarchy.¹⁶ This assertion is followed by a remark based on Augustine: 'a republic is ruled better and more *peacefully* when the authority of each realm is confined within the borders of its fatherland'.¹⁷ John also emphasizes Augustine's criticism of the Roman Empire's expansionism as it manifests 'its ambition to dominate and the injurious provocation of others'.¹⁸ John's reference to Aristotle underscores the naturalness of kingdoms and the Empire's lack of it, while his reliance on Augustine functions as a historical reference point regarding the realization of peace in a kingdom and between kingdoms and the belligerent character of the Empire.

John acknowledges that the Church is ruled by one man: the pope. But this cannot be extrapolated to the temporal sphere, because, John argues, 'it is by divine decision that there is the order [of subjection] by church ministers to one'.¹⁹ John's understanding of temporal rule is markedly asymmetrical to his

¹⁶ *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, p. 83); English translation: Watt, p. 87.

¹⁷ 'Augustinus etiam *IV De Civitate Dei* dicit melius et magis pacifice regebatur res publica cum uniuscuiusque regnum suae patriae terminis finiebatur': *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, pp. 83–84); English translation: Watt, p. 87 (my emphasis).

¹⁸ *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, p. 84); English translation: Watt, p. 87.

¹⁹ 'Et ideo ex divino statuto est ordo omnium ministrorum ad unum': *De potestate*, c. 3 (Leclercq, p. 180; Bleienstein, p. 82); English translation: Watt, p. 85.

conception of spiritual rule; unlike spiritual rule, which is divinely ordered, the political arrangement in the temporal sphere is determined by the laypeople's choice of the rulers in order to live well in a community. They learn from natural instinct that they should live as citizens in a community. In short, John is arguing that the Church and secular governments operate on different principles: the former is divinely sanctioned, while the latter is driven by the natural impulse of humans. Clearly the vindication of ecclesiastical monarchy is supernatural, while the rejection of temporal, universal monarchy is naturalistic.

Attention should be drawn to the fact that the naturalistic rejection of universal monarchy is premised upon human diversity. John argues that humans are diverse in terms of bodies, but not in terms of souls, because the similarity of souls constitutes humanity as a whole. This asymmetry between body and soul is extrapolated metaphorically to the realm of temporal and spiritual power. John argues therefore that 'secular power is more diverse, because of the diversity of climates and of the diversity of different physical complexion, than the spiritual power for which such diversities are less significant'.²⁰ This analogical argument is augmented by the diversity of people who constitute a political community: 'it does not follow [...] that all the faithful should be united in one political community. Rather there are different ways of life and complexions adapted to the different climates, languages and conditions of peoples, and what is virtuous in one people is not virtuous in another'.²¹ John is clearly conscious of the climatic, linguistic, and physical diversities of humanity, which also have significant repercussions for the diversity of political arrangements.

Human diversity is also discussed in the ecclesiological context by John; however, he does not think that the natural diversity of humans is very significant to the Church. By contrast, James of Viterbo acknowledges the significance of 'diversity and variety' in the Church and relates this to his account of the idea of peace. James maintains that there are 'three principal kinds of diversity' in the Church, that is, the diversity of conditions, offices, and rank, while James also says that there is an additional type of diversity in the Church: the diversity of

²⁰ 'ita saecularis potestas plus habet diversitatis secundum climatam et complexionum diversitatem quam spiritualis quae minus in talibus variatur': *De potestate*, c. 3 (Leclercq, p. 180; Bleienstein, p. 82); English translation: Watt, p. 85.

²¹ 'Non sic autem fideles omnes necesse est convenire in aliqua una politia communi, sed possunt secundum diversitatem climatam et linguarum et condicionum hominum esse diversi modi vivendi et diversae politiae, et quod virtuosum est in una gente non est virtuosum in alia': *De potestate*, c. 3 (Leclercq, p. 181; Bleienstein, p. 83); English translation: Watt, p. 86.

customs and rites.²² Although John and James ground their accounts of peace in the idea of 'diversity and variety', the nature of the diversity significantly differs between the two thinkers. For John, the 'diversity and variety' that determine the conditions for peace are primarily natural. By contrast, the diversity James explains in relation to the Church is all socio-institutional, not natural. James is clearly not interested in the *natural* diversity of humans in relation to the unity and diversity of the Church. John's temporal vision of peace, anchored in human natural diversity, forms a mirror image of James's ecclesiastical one.

The natural diversity of humans was not unfamiliar to intellectuals in the thirteenth century; indeed, the importance of climatic conditions in determining natural diversity was widely acknowledged by those who were versed in astronomical and medical traditions. For example, the astronomer John Sacrobosco, drawing on Ptolemy's cosmology, argues in his treatise *De sphaera* that Ethiopia must be located at the equator, that is, in the torrid zone, because an Ethiopian would not be so black unless he was born in the temperate habitable zone.²³ *De potestate* does not include any clues in determining the sources for John's idea of climatic conditions. However, we know that John was familiar with the astronomical and medical discussions of climate, at least, through the writings of Ptolemy and Aristotle. In his commentary on Peter Lombard's *Sentences*, John asks whether the earthly paradise, supposing it is a physical locale, would be in the subequatorial Orient.²⁴ While he lays out a negative response to this question, John mentions Ptolemy and Aristotle, although the editor of the text also refers to Martianus Capella and Albertus Magnus.²⁵

The knowledge of the relationship between geography, climate, and human diversity was commonplace; John's link between the natural diversity of humans and the diversification of political organization was not unique, either. The relationship between climate and political practice had been noted by Thomas Aquinas. Drawing on the same Aristotelian text (*Politics*, VII, 7, 1327b 23–32), Aquinas argues that regions of temperate climate should be chosen for a new city or kingdom to be built.²⁶ However, Aquinas does not derive the idea of human diversity from Aristotle. Interestingly, by contrast, the Austrian Benedictine

²² James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, pp. 40–45.

²³ Akbari, 'The Diversity of Mankind'.

²⁴ John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, II (1964), 134–39.

²⁵ Chris Jones suggests the possible influence of Isidore of Seville. See Jones, *Eclipse of Empire?*, p. 251.

²⁶ Aquinas, *De regimine principum*, ed. by Mathis, bk. II, c. 2, pp. 25–26.

Engelbert of Admont makes exactly the same point as John. In his *On Princely Government*, Engelbert draws on the aforementioned text of Aristotle to maintain that those who live in hot climates are easily ruled while those who live in cold climates are incapable of political organization; thus, those who live in the middle area are best suited for civil rule. In view of climatic conditions, therefore, different cities should establish different forms of government according to their climatic and other geographic conditions.²⁷ What follows from this is that the unity of climatic and geographical conditions, language, and customs and rites is necessary for concord, which is, in turn, a necessary condition for a good polity.²⁸ Similarly, Dante acknowledges the influence of geography on human diversity:

Nations, kingdoms and cities have characteristics of their own, which need to be governed by different laws; for law is a rule which governs life. Thus the Scythians, who live beyond the seventh zone and are exposed to nights and days of very unequal length, and who endure an almost unbearable intensity of cold, need to have one set of laws, while the Garamantes require different laws, since they live in the equatorial zone and always have days and nights of equal length, and because of the excessive heat of the air cannot bear to cover themselves with clothes.²⁹

John, however, differs from Engelbert and Dante in that he does not view human diversity as an obstacle that needs to be overcome by the introduction of one universal monarchy. Both Dante and Engelbert argue for the overcoming of diversity under universal monarchy. John, by contrast, maintains that diversity is natural and should be accepted as such, thus forming the basis of coexistence of various kingdoms instead of universal rule of the Empire. What is striking is the fact that John does not explain how such 'pluralism' promotes peace and/or prevents strife within Christendom. John merely accepts it as a natural human condition. Instead of showing how and why the coexistence of kingdoms could promote peace in Latin Christendom, John forcefully makes a

²⁷ Engelbert of Admont, *De regimine principum*, bk. III, c. 19, p. 70; bk. II, c. 2, p. 45; bk. VI, c. 8, pp. 178–79. See Blythe, *Ideal Government*, pp. 130–31.

²⁸ Blythe, *Ideal Government*, p. 145.

²⁹ 'Habent namque nationes, regna et civitates inter se proprietates, quas legibus differentibus regulari oportet. Est enim lex regula directiva vitae. Aliter quippe regulari oportet Scythas, qui extra septimum clima viventes, et magnam dierum et noctium inaequalitatem patientes, intolerabili quasi algore frigoris premuntur, et aliter Garamantes, qui sub aequinoctiali habitantes, et coaequatam semper lucem diurnam noctis tenebris habentes, ob aestus aeris nimietatem vestimentis operiri non possunt': Dante Alighieri, *De monarchia*, ed. by Moore, bk. I, c. 14, p. 349; English translation: Dante Alighieri, *Monarchy*, trans. by Shaw, p. 24.

case for the damage that universal monarchy could make to the political order of medieval Europe.

Peace and Empire

In the first chapter of *De potestate*, John is unequivocal in preferring monarchy for the sake of 'unity and peace which rulers seek to provide for their communities'. He maintains that 'plural leaders do not serve the peace of the community unless they are in unity and concord'.³⁰ Clearly, 'unity', 'peace', and 'concord' are the goals that rulers must fulfil. Following this, John asserts that 'the single ruler better upholds that unity of a community which gives it its being than the rule of many, so therefore the rule of one man according to virtue will the better keep peace, and peace among citizens will not easily be broken'.³¹ John reinforces this by appealing to organic metaphors:

In the law of nature all government is reduced to overall unity just as in any body composed of a mixture of parts there is one element which is master over the others. For example, in the heterogeneous human body, there is a principal member in the whole man and the soul contains all the elements. Animals which herd together and for whom it is natural to live in society are subject to one ruler.³²

Aquinas makes a very similar point:

In every case nature operates for the best, and in nature government is always by one. Among the multitude of the body's members there is one part which moves all the others, namely, the heart; and among the parts of the soul there is one force, namely, the reason, which chiefly rules; also, there is one king of the bees.³³

³⁰ 'Est autem utilius regimen multitudinis per unum qui praeest secundum virtutem quam per plures vel paucos virtuosos, quod patet [...]. Tum ex unitate et pace quae intendi debet in regimine multitudinis. Nam plures principantes non servant pacem multitudinis, nisi fuerint uniti et concordis': *De potestate*, c. 1 (Leclercq, p. 177; Bleienstein, p. 76); English translation: Watt, p. 78.

³¹ 'Si ergo propter quod unumquodque tale et ipsum magis unicus principans secundum virtutem magis poterit servare pacem et non tam de facili poterit turbari pax civium': *De potestate*, c. 1 (Leclercq, p. 177; Bleienstein, p. 76); English translation: Watt, p. 78.

³² 'tum quia in naturali regimine videmus totum regimen ad unum reduci ut in mixto corpore unum elementum dominatur: in humano corpore heterogeneo unum est principale membrum, in toto homine anima continet omnia elementa; animalia etiam gregalia ut apes et grues quibus naturale est in societate vivere naturaliter subsunt uni regi': *De potestate*, c. 1 (Leclercq, p. 177; Bleienstein, p. 77); English translation: Watt, pp. 78–79.

³³ 'omne autem natural regimen ab uno est. In membrorum enim multitudine unum est quod omnia movet, scilicet cor; et in partibus animae un avis principaliter praesidet, scilicet

The similarity between Thomas and John is striking.

Having said this, John does not think that peace is enjoined by 'pure' monarchical rule. He clearly favours a mixed constitution partly because 'in a mixed constitution, all have some share in government'. Through sharing the peace of the community is preserved; everybody loves a government of this type and watches over it.³⁴ Also, John observes that a kingdom can easily degenerate into tyranny if the king does not have perfect virtue, which, however, is to be found in so few.³⁵ This realism is probably indebted to Thomas Aquinas. Aquinas writes in the *Summa theologiae*: 'two things are to be considered with regard to the good ordering of government in a city or nation. The first is that all should have some share in the government; for an arrangement of this kind secures the peace of the people, all men love and defend it, as is stated at *Politics* II'.³⁶ Aquinas continues:

Kingship is the best form of government for a people as long as it does not become corrupt. But because the power granted to a king is so great, it is easy for kingship to degenerate into tyranny unless he to whom such power is granted is a man of perfect virtue, as the Philosopher says at *Ethics* IV [...]. But perfect virtue is found only in a few.³⁷

Once again, it is sufficiently manifest that John's argument echoes Aquinas, thus endorsing a mixed constitution, not 'pure' monarchy, as the best constitution.

Despite references to peace in his vindication of a mixed constitution, however, John does not extrapolate this to the rejection of one universal monarchy. According to 'some lawyers', John writes, 'since a multitude of people will easily fall into disagreement, it is inexpedient to let a multitude have governmental

ratio. Est etiam apibus unus rex': Aquinas, *De regimine principum*, ed. by Mathis, bk. I, c. 2, p. 4; English translation: Aquinas, *Political Writings*, ed. and trans. by Dyson, p. 11.

³⁴ *De potestate*, c. 19 (Leclercq, p. 236; Bleienstein, p. 175); English translation: Watt, p. 206.

³⁵ *De potestate*, c. 19 (Leclercq, p. 237; Bleienstein, p. 175); English translation: Watt, p. 207.

³⁶ 'circa bonam ordinationem principum in aliqua civitate vel gente, duo sunt attendenda. Quorum unum est ut omnes aliquam partem habeant in principatu: per hoc enim conservatur pax populi, et omnem talem ordinationem amant et custodiunt, ut dicitur': Aquinas, *Summa theologiae*, ed. and trans. by Batten, I-IIae, q. 105, a. 1; English translation: Aquinas, *Political Writings*, ed. and trans. by Dyson, pp. 53–54.

³⁷ 'regnum est optimum regimen populi, si non corrumpatur. Sed propter magnam potestatem quae regi conceditur, de facile regnum degenerat in tyrannidem, nisi sit perfecta virtus ejus cui talis potestas confertur [...] ut Philosophus confertur. Perfecta autem virtus in paucis invenitur': Aquinas, *Summa theologiae*, ed. and trans. by Batten, I-IIae, q. 105, a. 1; English translation: Aquinas, *Political Writings*, ed. and trans. by Dyson, p. 55.

power: one man should be head of the whole world'.³⁸ John admits that because a multitude can easily disagree with each other on many things, a regal constitution is preferable to an aristocratic one. However, he insists that 'it is better that many should rule in many kingdoms than one alone should rule the whole world'.³⁹ The vindication of a mixed constitution has no place in his rejection of one universal monarchy. In other words, the defence of a mixed constitution is premised upon kingdoms and city states; indeed, any political entities other than empire.

That John rules out empire from the political entities he considers expedient is anchored in his understanding of Roman history, according to which the empire is deleterious to peace. His preference for the coexistence of multiple kingdoms is supported by three ideas. First, the world under Roman emperors was not as peaceful as before or after their rule. John simply asserts that 'dreadful crimes and great strife' abounded in the Roman Empire without offering any historical evidence. Second, John categorically denies the privileged status of the Romans in terms of the way in which they acquire power; the Romans usurped power and imposed their rule on the Greeks, and so nothing guarantees that the Romans' dominion could not be thrown off by force. Third, John also questions the perpetuity of Roman rule.⁴⁰ He avers: 'In fact, it seems to be quite expressly stated in Scripture that the Roman Empire should fail just like any other'.⁴¹ In short, John considers that the Roman Empire's failure to bring about peace originated in the usurpation of power by force and should come to an end according to God's providence. Elsewhere in *De potestate*, as I mentioned earlier, John argues that the cause of the expansion of the Roman Empire is its ambition to dominate others. In order to reject the necessity of universal monarchy, John relies on Chapter 15 of Book IV of Augustine's *De civitate Dei*. This interpretation of Augustine's text is augmented by John's own understanding of Roman history. His understanding of the history of Roman Empire is summa-

³⁸ *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 190); English translation: Watt, pp. 226–27.

³⁹ 'melius est tamen plures in pluribus regnis dominari quam unum dominari toti mundo': *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 190); English translation: Watt, p. 227.

⁴⁰ 'horribilia scelera quae per mundum currebant et dissensiones permaximae': *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, pp. 190–91); English translation: Watt, p. 227.

⁴¹ 'Immo certe expressius videtur haberi in Scriptura de imperio Romanorum quod deficere debuerit quam de alio': *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, pp. 190–91); English translation: Watt, p. 228.

rized thus: 'the world was never as peaceful in the time of the emperors as it was beforehand and afterwards'.⁴²

The interpretation of Augustine's text like John's, however, invited criticism from Engelbert of Admont. In his *On the Rise and End of the Roman Empire*, Engelbert devotes a chapter to the proposition that it is more useful for kingdoms to stand apart without a monarch than to be subject to one man, like the Roman king or emperor. The first argument which supports this view is based on Chapter 15 of Book IV of the *De civitate Dei*. Engelbert's criticism attacks the assumption underlying the above interpretation of Augustine that the kingdoms without subjection to the Empire 'cannot conduct themselves perpetually toward one another as peaceful neighbours, as in the celestial kingdom of future glory all the blessed will rejoice perpetually in peaceful society'.⁴³ Engelbert asserts that it is impossible to attain such happiness: that is, perpetual peace among kingdoms. Hence, he argues that 'it is better and more just for all kingdoms to be subject to one empire, as far as and in such a way as is consonant with law, for this reason, to harmonize kingdoms themselves and pacify the world and defend and expand Christendom'.⁴⁴

It is not clear whether Engelbert is actually responding to John. In light of Engelbert's reading of the Augustinian text, however, it becomes evident that John does not embrace any optimism about the possibility of peace among kingdoms. Indeed, what he claims is that the necessity of monarchy in the Church cannot be extrapolated to imply that all kingdoms should necessarily be subject to the Empire. Here again, John's preference for the coexistence of kingdoms only defines the possibility of peace negatively against the great danger to peace under imperial rule.

⁴² 'Quod ex hoc etiam apparet quod tempore imperatorum numquam fuit mundus in pace quantum postea et ante': *De potestate*, c. 21 (Leclercq, p. 247; Bleienstein, p. 190); English translation: Watt, p. 227.

⁴³ 'Intelligit hoc ex suppositione illius conditionis, si illa regna possent pacifica vicinitate perpetuo ad invicem se habere, sicut in regno coelesti futurae gloriae, omnes beati societate pacifica sibi perpetuo congratulabuntur, propter quod etiam in futuro cessabit omnis potestas et praelatio': Engelbert of Admont, *De ortu et fini Romani imperii*, p. 100; English translation: Engelbert of Admont, 'On the Rise and End of the Roman Empire', p. 75.

⁴⁴ 'et propter hoc ad concordanda regna inter se, et pacificandum orbem, et defendendam ac dilitandam Christianitatem, melius et iustius est omnia regna subesse uni imperio unumquoque secundum quod de iure debet, et in quantum debet: quam singula per se stare sine omni respectu ad imperium': Engelbert of Admont, *De ortu et fini Romani imperii*, p. 100; English translation: Engelbert of Admont, 'On the Rise and End of the Roman Empire', pp. 75–76.

Clearly John's discourse on peace is decidedly anti-imperialist. But does this mean he is pro-royalist? That John does not put forward any powerful case to advance the view that the presence of various kingdoms promotes and maintains peace perhaps places a question mark on the traditional view that John was a defender of the French royalist cause. The traditional view of John as a French royalist, however, is premised upon the hypothesis that John wrote *De potestate* in response to the dispute between Pope Boniface VIII and King Philip IV the Fair. But did he really? Matthew Kempshall has amply shown that John's discussion of the relationship between royal and papal power does not go so far as to disengage the former absolutely from the latter. This is also the case with John's discussion of the connection between moral virtues and grace. While papalists such as James of Viterbo would argue for the necessary connection of moral virtues with grace, thus asserting the perfection of theological (as opposed to natural moral) virtues, John argued for the accidental perfection of moral (not theological) virtues which are not sanctioned by grace.⁴⁵ This implies that moral virtues *can* be perfect without grace. John, however, does not go so far as to declare that moral virtues *are* perfect without grace. The autonomy of the natural sphere of human attributes — whether it be power or virtues — is, according to John, contingent. Thus the temporal sphere can be, but is not necessarily, independent from the spiritual sphere: a case which can hardly be described as the position of an active French royalist ideologue.⁴⁶

Janet Coleman already argued that *De potestate* was written over several years covering the time prior to the dispute between the French crown and the papacy. Coleman submitted a possible alternative context in which John probably started to write the work: that is, the poverty dispute between the Dominicans and the Franciscans at the end of the thirteenth century.⁴⁷ Coleman thus endeavoured to establish the links between the poverty dispute and John's text. Indeed, John did discuss peace in relation to the issue of property, to which I shall turn.

⁴⁵ Kempshall, *The Common Good*, pp. 289–90.

⁴⁶ Krynen, *L'Empire du roi*, p. 96.

⁴⁷ Coleman, 'The Dominican Political Theory'. Also, Coleman, *A History of Political Thought*, pp. 118–33.

Peace and Property

The third and last context in which John touches upon peace concerns property. When John analyses the nature of priestly power, he discusses the ways in which to commit sin in temporal matters. One is by committing a sin of belief or error; it concerns divine law according to which an ecclesiastical judge alone is entitled to judge. John illustrates it by the example of a man who thinks that a doctrinal error such as usury is not a mortal sin. The other is committing sin in relation to temporal property. This can only be judged by secular judges according to human civil laws. For John, one of the aims of human civil laws is to 'ensure that property is put to those proper human uses which would be neglected if everyone held everything in common'.⁴⁸ John is clearly skeptical about the practical viability of communal possession. Thus he writes: 'if things were held unreservedly in common, it would not be easy to keep the peace among men'.⁴⁹ Communal ownership would jeopardize the preservation of peace in a civil community.

The reverse side of this is, of course, John's endorsement of private ownership. After maintaining that the pope is neither lord nor steward of lay property, he underscores that 'lay property is not granted to the community as a whole as is ecclesiastical property, but is acquired by individual people through their own skills, labour, diligence, and individuals, as individuals, have right and power over it and true lordship'.⁵⁰ John is unequivocal in emphasizing the exclusiveness of private property. The owners can do whatever they wish to do with their property. Neither prince nor pope can claim lordship over them. Thus John writes:

For the reason that *sometimes the peace of everybody is disturbed because of these possessions*, when someone takes what belongs to another and also because at times some men, through excessive love of their own, do not place it at the service of the need and welfare of the fatherland, a ruler has been established by the people to take charge of such situations, a judge between the just and the unjust, a punisher

⁴⁸ *De potestate*, c. 13 (Leclercq, p. 212; Bleienstein, p. 136); English translation: Watt, pp. 153–54.

⁴⁹ 'et ne si communes essent ex indistincto non servaretur pax de facili inter homines': *De potestate*, c. 13 (Leclercq, p. 212; Bleienstein, p. 136); English translation: Watt, p. 154.

⁵⁰ 'Ad quod declarandum considerandum est quod exteriora bona laicorum non sunt collata communitati sicut bona ecclesiastica, sed sunt acquisita a singulis personis arte, labore vel industria propria, et personae singulares, ut singulares sunt, habent in ipsis ius et potestatem et verum dominium': *De potestate*, c. 7 (Leclercq, p. 189; Bleienstein, p. 97); English translation: Watt, p. 103.

of injustices, a measurer of the just proportion owed by each to the common need and welfare.⁵¹

Private ownership of temporal goods in itself does not contribute to the preservation of peace; on the contrary, it can disturb peace. So peace must be guarded against excessive desire for private possession. Cary J. Nederman observes that John ‘recognizes that the exercise of individual free ownership forms the salient source of the friction and conflict that government is created to resolve’. Private ownership, peace, and the creation of government thus form a mutually interdependent relationship. Nederman writes that ‘according to John, the temptation on the part of some to override the liberty of others, in conjunction with a failure of self-absorbed individuals to calculate and acknowledge the social costs of the profit they obtain by entering into reciprocal economic intercourse, comprise the only justification for the jurisdiction of rulers.’⁵² From the viewpoint of the idea of peace, John clearly maximizes the chance of acquiring and preserving private property so long as it does not pose any threat to the peace and order of the community. While peace is ultimately prioritized over individual ownership, the emphasis is clearly given to the exercise of private individual rights, not the protection of peace.

The connection between private property and peace was addressed by another Dominican theologian, Remigio de’ Girolami. His short treatise, *De bono pacis* (*On the Good of Peace*), probably written sometime after 1304, is devoted to answering a conundrum; that is, is it justifiable, for the sake of achieving peace and concord among cities and communities, to order the cancellation of injuries and damages inflicted and received by them, even against the will of individual sufferers?⁵³ Remigio’s response was in principle affirmative: he maintains that citizens should sacrifice their private goods in the interest of securing peace, although, I should add, he noted that those who had been damaged should be compensated by public funds.⁵⁴

⁵¹ ‘Verum quia ob talia bona exteriora contingit interdum pacem communem turbari dum aliquis quod est alterius usurpat, quia etiam interdum homines quae sua sunt nimis amantes ea non communicant prout necessitati vel utilitati patriae expedit, ideo positus est princeps a populo qui in talibus praestat ut iudex decernens iustum et iniustum, et ut vindex iniuriarum et ut mensura in accipiendis bona a singulis secundum iustam proportionem pro necessitate vel utilitate communi’: *De potestate*, c. 7 (Leclercq, p. 189; Bleienstein, p. 97); English translation: Watt, pp. 103–04 (my emphasis).

⁵² Nederman, *Lineages of European Political Thought*, p. 229.

⁵³ Remigio de’ Girolami, *De bono pacis*, in De Matteis, *La ‘teologia politica comunale’*.

⁵⁴ On Remigio’s views of peace and order, see Kempshall, *The Common Good*, pp. 316–38.

Remigio shares with John the view that peace should ultimately be prioritized over private property rights; however, the point of emphasis was clearly contrasting. Remigio underscores the supremacy of peace whereas John punctuates the importance of individual property rights. Peace is conceptualized by John as the boundary within which the pursuit of individual material desire is permitted. Again, peace is conceived negatively, this time against the potential threat to it posed by private property rights.

John's Negative Idea of Peace

So what should we make of John's idea of peace? One way of understanding the idea in the past is to situate it in the context of various intellectual traditions. So far I have not attempted to portray John's idea of peace in terms of 'political languages' or 'doctrinal sources'. Indeed, I have argued elsewhere that the discourses on peace are difficult to characterize by means of the political languages or doctrinal sources they draw upon.⁵⁵ This is because there are significant overlaps in the ways in which peace is conceptualized among various political languages or doctrinal sources. For example, the characterization of peace as 'harmony' was shared widely by ancient Graeco-Roman and early Christian thinkers, thereby forming a single linguistic tradition. Thus Matthew Kempshall has demonstrated that the association of peace with harmony or concord can be found in both Aristotelian and Augustinian writings.⁵⁶ It follows from this that one could write of peace as harmony by deploying either Aristotelian or Augustinian language. Similarly, one could conceptualize peace as harmony by drawing on either Aristotelian or Augustinian sources. Where significant conceptual overlapping exists among various languages and sources, languages and sources will not serve as analytical tools which highlight distinctive features in a thinker's conception of peace. Hence, it is not very helpful to discuss John's vision of peace in terms of, say, Aristotelian, Augustinian, or Ciceronian language or source.

The alternative analytical framework I propose is a conceptual taxonomy based on Johan Galtung's global survey of the ideas of peace, which was presented in his 1981 article 'Social Cosmology and the Concept of Peace'. The scope of this ambitious essay encompasses both East and West from ancient times to the present, thus portraying the distinctive features of the concept

⁵⁵ Shogimen, 'European Ideas of Peace'.

⁵⁶ Kempshall, *The Common Good*.

of peace in various traditions: Jewish, early Christian, Islamic, Greek, Roman, medieval, modern European, Indian, Chinese, and Japanese. For the purpose of the present article, I shall draw on Galtung's characterization of the Greek, Roman, and Christian concepts of peace with some modifications, as appropriate, based on more specialized historical scholarship.

The first type of the idea of peace is Greek. The gist of the Greek notion of peace was *homonoia* or harmony.⁵⁷ The Greek idea is characterized by two distinct features. One is that it denotes a balance between a number of agents; in particular, a balance of power. As Thucydides suggests, one of the pressing concerns for the Greeks was internal disagreement between factions within the polis.⁵⁸ Peace as harmony is in this light a 'multi-centric (or at least, bi-centric)' concept.⁵⁹ The antonym of peace is of course war, which is understood as the state where the balance is upset. This feature of the idea of peace penetrates a number of Greek literary works from Homer to Plato and Aristotle.⁶⁰

The second feature is that the idea makes a sharp distinction between inside and outside. It is assumed that harmony can only be fulfilled within a clearly defined geographical or political boundary, thus remaining indifferent to the state of the world outside of it. Well-known Greek thinkers including Plato, Aristotle, and Isocrates drew a very sharp line of demarcation between Greeks and barbarians. To Aristotle, the Greeks were born to be masters, while non-Greeks were naturally slaves. Clearly, peace concerns the relationship among Greeks alone, which is irrelevant to non-Greeks.⁶¹ This exclusively inward-looking notion of peace presumes that the geographical or political boundary of peace is given and unchanged. The Greek idea is thus internal and balancing peace.⁶²

In the thirteenth and fourteenth centuries, the ideas of peace proposed by Thomas Aquinas and Remigio de' Girolami may be characterized as 'Greek'. Aquinas defines peace as concord between individuals or a harmonious state within a person. His discussion of peace also relies on a bodily metaphor which compared peace with the 'ordered concord of humors'.⁶³ This imagery of balance

⁵⁷ Galtung, 'Social Cosmology', p. 186.

⁵⁸ Zampaglione, *The Idea of Peace in Antiquity*, trans. by Dunn, p. 43.

⁵⁹ Galtung, 'Social Cosmology', p. 187.

⁶⁰ Dinkler, *Eirēnē*, p. 173.

⁶¹ Zampaglione, *The Idea of Peace in Antiquity*, trans. by Dunn, p. 31.

⁶² Fuchs, *Augustin und der antike Friedensgedanke*, p. 40.

⁶³ Aquinas, *Summa contra Gentiles*, bk. III, c. 146, p. 434.

is deployed by Remigio de' Girolami as well. Remigio also identifies peace with ordered concord and compared it with health as the balance of bodily members.⁶⁴

The second model is Roman. The Latin *pax* as a political idea has two important characteristics. One is that it complements the Greek idea of harmony, which was translated into Latin as *concordia*: that is, concord.⁶⁵ *Pax* and *concordia* describe two aspects of 'peace' for Roman citizens: security from foreigners and internal order respectively.⁶⁶ *Pax* and *concordia*, therefore, formed a twin concept which appeared hand in hand in Roman literature. The other interesting feature concerns the relationship between the Romans and the non-Romans. *Pax* does not refer to a relationship between equals but between victors and defeated: that is, peace is understood as 'the unconditional surrender of the defeated state',⁶⁷ just as the verb *pacare* often referred to conquest.⁶⁸ An important implication of this is that, unlike the Greek idea, the geographical boundaries of Roman peace were neither given nor unchangeable but expand. The centre from which peace expands is Rome. The Roman idea was therefore uncentric and expanding. Peace as conquest and victory was eulogized, for example, by Virgil;⁶⁹ Virgil envisaged universal pacification which will take place by means of military conquest, thus associating pacification with the military activities of the empire.⁷⁰ His *Aeneid*, one of the most widely read works of Roman literature in the Middle Ages,⁷¹ includes the famous line: 'you, Roman, be sure to rule the world (be these your arts), to crown peace with justice, to spare the vanquished and to crush the proud.'⁷²

⁶⁴ De Matteis, *La 'teologia politica comunale'*, pp. 3–4.

⁶⁵ Dinkler, '*Eirēnē*', p. 175.

⁶⁶ Weinstock, 'Pax and the "Ara Pacis"', p. 45; Galtung, 'Social Cosmology', p. 187.

⁶⁷ Zampaglione, *The Idea of Peace in Antiquity*, trans. by Dunn, p. 133.

⁶⁸ Weinstock, *Divus Julius*, p. 267.

⁶⁹ Dinkler, '*Eirēnē*', p. 176; Sills, 'The Idea of Universal Peace'.

⁷⁰ Zampaglione, *The Idea of Peace in Antiquity*, trans. by Dunn, p. 154.

⁷¹ Scholarship on Virgil in the Middle Ages has a long history: see, for instance, Comparetti, *Vergil in the Middle Ages*, trans. by Benecke; Thompson, 'Vergil in Medieval Culture'; and much more recently, Baswell, *Virgil in Medieval England*; Ziolkowski and Putnam, *The Virgilian Tradition*.

⁷² 'Romane, memento (haec tibi erunt artes), pacique imponere morem, parcere subiectis et debellare superbos': Virgil, *Aeneid*, VI:851–53, in Virgil, *Eclogues, Georgics, Aeneid I–VI*, trans. by Fairclough, rev. by Gooch, pp. 592–93.

The Roman idea of peace was embraced by imperialists such as Dante Alighieri and Engelbert of Admont and the papal theologian James of Viterbo. Although their political positions are at the extreme opposites of the spectrum, they nonetheless shared the universalist viewpoint. Thus Dante and Engelbert envisaged peace in Latin Christendom by means of imperial authority, whereas James of Viterbo argued for universal peace through the universal authority of the papacy.

The third model is Christian. Early Christians understood peace in terms of the Jewish concept of *shalom*, which referred primarily to the covenant between God and His chosen people. This concept lacked the political implications of the Greek and Roman models.⁷³ The early Christian idea of peace referred to the relationship of believers to Christ after His resurrection and also to the believers' hope of eternal life. Wars and violence ultimately had nothing to do with the concept of peace in early Christianity. Although the Christian idea was increasingly influenced by Graeco-Roman ideas to mean *tranquillitas ordinis* (tranquillity of order) in this world, which is particularly evident in the theology of Saint Augustine of Hippo, we cannot, nonetheless, overlook a distinctive feature of the Christian idea of peace: that is, the sharp distinction between peace in this world and peace in the next.⁷⁴ This distinction stems from the eschatological emphasis intrinsic to the Christian idea of peace: the desire and the hope for peace will be fulfilled at the time of the Second Coming.⁷⁵ An important consequence of this is the rejection of the possibility of *perfect* peace in this world, a rejection which is manifest in Saint Augustine's account of peace.⁷⁶ Perfect peace is attainable only in the world to come.

The Christian idea of peace receded to some extent at the turn of the thirteenth and fourteenth centuries, as the possibility of temporal peace was widely recognized. Remigio de' Girolami's exaltation of temporal peace clearly departs from the 'Christian' scepticism about the possibility of worldly peace. As I have

⁷³ Dinkler, 'Eirēnē', p. 168; Galtung, 'Social Cosmology', p. 185.

⁷⁴ For the rhetorical use of 'peace and concord' in post-apostolic Christian literature, see Bakke, 'Concord and Peace'. For Saint Augustine's reference to 'peace and concord', see Struve, *Die Entwicklung*, p. 63; and Kempshall, *The Common Good*, pp. 62, 323. Nicolai Rubinstein observed that in the political thought of northern Italy in the late Middle Ages, *pax et concordia* 'represent [...] the most desirable effect of just government in the interest of the common welfare, or, in St Thomas' words, of the *ordo ad bonum commune*': Rubinstein, 'Political Ideas in Sienese Art', p. 187.

⁷⁵ Dinkler, 'Eirēnē', p. 186.

⁷⁶ Fuchs, *Augustin und der antike Friedensgedanke*, p. 46.

already mentioned in the opening paragraphs of the present chapter, a number of political works were written in search of temporal peace. However, the Christian idea of peace persisted in the late Middle Ages. Military thinkers such as Honoré Bonet and John of Legnano argued for the inevitability of wars perhaps under the influence of the increasing popularity of military texts such as Vegetius's *De re militari*.⁷⁷ John Wyclif may also be counted as one of the pessimistic thinkers with respect to the possibility of temporal peace, and yet it did not prevent him from preaching non-violence to secular princes.⁷⁸

The three models of the idea of peace which I have explained so far are, of course, what Max Weber would have called 'ideal types'; they are merely heuristics, which cannot be identified wholly with any particular texts or attributed to any thinkers in the ancient Graeco-Roman or Christian worlds. However, I think that the models will help us appreciate the characteristics and diversity of late medieval European conceptions of peace. So what can we say about John's conception of peace in light of this analytical framework? We have already seen that John's vision of peace is most decidedly anti-imperialist. For him, the Roman Empire cannot be a political environment where peace could be fulfilled. The European political world can achieve peace if the universal political authority is absent and multiple kingdoms juxtapose with each other. We have seen that John's reading of Roman history convinced him that imperial authority is nothing but deleterious to peace. Indeed, John was critical of the Roman expansion as a manifestation of *libido dominandi*. He did not consider Rome to be the centre from which peace would emanate, nor did he approve of conquest and territorial expansion as a means for the fulfilment of peace. Clearly, John's vision of peace is not 'Roman'.

However, the coexistence of various kingdoms does not guarantee the realization of peace. Indeed, John endorses the decentralized political structure of medieval Christendom. His political pluralism is premised upon his recognition of the diversity of humans and their environment. Certainly John's vision of peace is multicentric, not unicentric. Also, as we have already seen, John considers unity and concord (*concordia*) to be essential for a community. To this extent, John's idea may be characterized as 'Greek'. His preference for the coexistence of multiple kingdoms, however, is not envisaged as an instrument for the fulfilment of European-wide peace. John does not conceptualize peace as a 'balance' of powers, nor does he view peace in terms of the relationship

⁷⁷ Honoré Bonet, *The Tree of Battle*, ed. by Coopland; John of Legnano, *Tractatus De Bello*, ed. by Holland.

⁷⁸ Levy, 'John Wyclif'.

between Latin Christendom and its neighbours. Further, he does not argue for the necessity of internal peace in the face of external threats, an idea preached by Engelbert of Admont. So John's emphatic rejection of the Roman vision of peace is not matched by an accentuated endorsement of the Greek vision of peace. Furthermore, none of this is to suggest that John's vision of peace is otherworldly. Nowhere can we find that John actually considers peace to be unachievable in this world. All the references to peace in *De potestate* concern temporal peace. John's vision of peace in the context of his discussions on royal and papal power is clearly premised upon the possibility of temporal peace, thus departing from the 'Christian' vision of peace.

In short, John's idea of peace is not so much 'Greek' or 'Christian' and definitely not 'Roman'. Strikingly, his idea of peace can only be defined negatively with reference to our taxonomy. As with our contextual analyses of John's discussions, his idea of peace remains elusive. This is perhaps indicative of the *reactive* character of John's political theory; John was essentially a critical thinker, not someone who proposed a blueprint for the future. For example, he was primarily concerned with the possibility of disengaging temporal power from ecclesiastical power and separating moral virtues from theological ones. His project was defined as a critical reaction to both the papal monopoly of power and the papalist claim of a necessary connection between moral virtues and grace. Likewise, as we have seen, John was highly critical of the 'Roman' character of the papalist vision of peace. This, however, is not to suggest that John was ideologically royalist. Just as he did not make a decisive step to assert the absolute independence of temporal power from ecclesiastical power, so he did not argue positively for the necessity of the independence of royal authority from any universal monarchy. John's political programme was, then, intended, in one respect, as an attempt to combat universalism. His pluralism lacks legitimization, once again, because of the critical nature of his project. His negative idea of peace probably represents not his disinterest in temporal peace but his critical attitude towards the universalist vision of peace. The reverse side of this is John's tacit optimism. He considered that it would suffice for him to combat the threat to peace by papal and imperial universalism.⁷⁹ John was not a thinker of peacemaking because, for him, peace was not to be made; peace would likely emerge if it were not for the threat of universalism.

⁷⁹ Antony Black argued that 'medieval writers [...] believed that human society is by its nature harmonious'. However, Black adds that the medieval call for peace was 'to persuade citizens to abandon factions': Black, *Church, State and Community*, pp. 356–57. John of Paris was unusual in combating universalism, not factionalism, in his quest for peace.

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DEBATING THE EMERGENCE OF AN IDEA: JOHN OF PARIS AND CONCILIARISM

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Conciliarism, the theory that Church councils take precedence over the pope, was long a source of embarrassment for Catholic ecclesiastical history. Too vast a gap separated its thinking about the Church's constitution, as debated at the fifteenth-century councils of Constance and Basel and formulated in legally binding decrees, from the structures of the hierarchical papal-Church, which had been put in place in Early Modern times. During the struggle against the council of Basel, Pope Eugenius IV (r. 1431–47) in his bull *Etsi non dubitemus* (20 April 1441), attributed the conciliar theory to the 'diabolical' influence of Marsilius of Padua, John of Jandun, and William of Ockham. They, he wrote, had poisoned the faithful with their heretical teachings.¹ With such a genealogy, the conciliar age was portrayed as an aberration in the Church's history, a path that had led nowhere, the upshot being that the validity of the Constance and Basel decrees was rejected.

An alternative view was first put forward by Johann Friedrich von Schulte, the co-founder of the modern history of canon law. When Pope Pius IX at the First Vatican Council (1870) pushed through, in the teeth of considerable resistance, the dogma of papal infallibility, Schulte vehemently opposed this

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¹ Eugenius IV, 'Etsi non dubitemus', in Hofmann, *Epistolae Pontificiae ad Concilium Florentinum spectantes*, III, no. 248, p. 28. See Helmrath, *Das Basler Konzil*, p. 470.

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new article of faith. Only a year later, in 1871, he published a treatise citing historical and canonistic arguments to demonstrate the fallaciousness of the dogma of infallibility.² In the appendices to this work, he reproduced a rich treasure trove of manuscript material purporting to show that the medieval canonists had by no means regarded the pope as the final instance in matters of faith, this being the prerogative of the general council. Not only had the pope been seen by them as fallible, the possibility of a heretical pope had even been envisaged. First, Schulte cited the celebrated gloss by Huguccio of Pisa (d. 1210), in which this most important of early canonists had posed the rhetorical question: what was to be done if a pope openly engaged in theft, or openly committed simony, or openly kept a concubine, or openly fornicated (with his concubine) at or around the altar and, upon being censured, refused to mend his ways? Should he not, perhaps, be prosecuted and dismissed from office?³

But Schulte made little headway, for all his impressive array of sources. The theory of the heretical origins of conciliarism continued to prevail, not least because Karl Wenck was able to demonstrate that the first proponents of the conciliar theory, at the time of the Great Schism, had indeed been influenced by Ockham.⁴ It was not until Brian Tierney published his *Foundations of Conciliar Theory* that the decisive breakthrough came.⁵ Based on new manuscript sources, Tierney studied the early commentaries on Gratian's *Decretum*; his conclusion was nothing if not subtle, namely that the central elements of conciliarism were already contained in the canon law tradition: 'The Conciliar Movement was [...] a logical culmination of ideas that the canonists themselves had evolved in the greatest age of ecclesiastical law'.⁶ Tierney's thesis of conciliarism has remained uncontested in contemporary research and may be found today in all compendiums and lexicons.⁷

² Von Schulte, *Die Stellung der Konzilien*.

³ The gloss was re-edited by Tierney, *Foundations of the Conciliar Theory*, pp. 227–28.

⁴ Wenck, 'Konrad von Gelndhausen'. In a similar vein, see Martin, 'Comment s'est formée'. The influence of Marsilius was highlighted by Hirsch, *Die Ausbildung*. Historians who recalled the findings of Schulte included Bliemetzrieder, *Das Generalkonzil*, p. 75; Seidlmayer, *Die Anfänge des großen abendländischen Schismas*, pp. 172–79.

⁵ The first edition was published in 1955.

⁶ Tierney, *Foundations of the Conciliar Theory*, p. 214.

⁷ On the historiography of conciliarism, see Bäumer, *Die Entwicklung des Konziliarismus*, pp. 3–56; Alberigo, 'Il movimento conciliare'; Alberigo, *Chiesa conciliare*, pp. 9–18, 343; Oakley, 'Verius est licet difficilior'; Schatz, *Allgemeine Konzilien*, pp. 217–18; Tierney, *Foundations of the Conciliar Theory*, pp. ix–xxxii; Smolinsky, 'Konziliarismus', VI, cols 349–51; Schneider,

A prominent figure in Tierney's *Foundations* is the French Dominican John of Paris. At the height of the conflict between Pope Boniface VIII (r. 1294–1303) and King Philip IV of France (r. 1285–1314), John — also known as Jean Quidort — published a treatise, *De potestate regia et papali*, in which he defended the sovereignty of the French king against papal interventions.⁸ John's first draft was, I have argued elsewhere, penned between February and April 1302, that is, shortly after Boniface, in his bull *Ausculta fili*, had stripped the French king of all his privileges and confirmed his subordination to the papal throne.⁹ Hard on the heels of his theory of the separation of powers, John produced his own reading of the Church's constitution, which Tierney describes as the 'most consistent and complete formulation of conciliarism before the Great Schism'.¹⁰ According to Tierney, John was the first to unite two disparate strands of tradition: the canon law debate around the year 1200 as to where the power of decision lies in matters of faith, and the corporatist theory of canon law, which goes back to the second half of the thirteenth century. From the jurists of the twelfth century, John took the idea that the council was supreme in matters of faith; and from the jurists of the thirteenth century he took the idea that a bishop was none other than the (legally accountable) head of a corporation, a notion he then applied to the pope. Hence, for Tierney, John's stance is squarely within the canonistic tradition: in his treatise, he had merely inserted commonplaces of canon law into a new context, drawing conclusions that were logically implicit in the application of canonistic theory.¹¹

'Konziliarität/Konziliarismus'; Walther, 'Konziliarismus als politische Theorie?'. Some critics argued that Tierney's thesis holds true only for a moderate version of conciliarism: Bäumer, *Die Entwicklung des Konziliarismus*; Sieben, *Die Konzils Idee*, p. 255. An early critic was Watt, 'The Early Medieval Canonists'.

⁸ John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein. See the review by Miethke, 'Review: Fritz Bleienstein, *Johannes Quidort von Paris*'.

⁹ Concerning the date of composition, see Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie'.

¹⁰ Tierney, *Foundations of the Conciliar Theory*, p. 161.

¹¹ 'John's work was simply an exercise in applied canonistic theory. All the doctrines upon which he based his arguments had been hammered out in detail by the thirteenth-century canonists; John's achievement was to publicize some of the logical corollaries that would follow from an unreserved application of those doctrines to the Papacy': Tierney, *Foundations of the Conciliar Theory*, p. 161.

Tierney's interpretation certainly gave scholars much to think about. Whereas earlier research had been content to stress the effect, so corrosive on the medieval papacy, of the French or imperial 'publicists', Tierney reclaimed John for the mainstream catholic tradition.¹² Moreover, this re-evaluation was part of a comprehensive thesis about the wellsprings of 'western constitutionalism'. Whereas Tierney's teacher, Walter Ullmann, had ascribed the rise of democratic ideals and conceptions of popular sovereignty to the influence of Aristotle's *Politics*, Tierney put canon law in place of Aristotle, pointing out that constitutionalist principles were first formulated by canonists writing around 1200, and had so gained entry into the tradition of western political philosophy. Tierney has coined a new phrase — 'from Gratian to Grotius' — to cement the continuity he detects between medieval and Early Modern theories of consent.¹³

In the following article, I will proceed to assess this view, basing my remarks on new source material. Tierney neglected to ask what sources John drew on for his theory of consent in *De potestate regia et papali*. All Tierney gives us are run-of-the-mill quotations from canon law sources, which is to ignore the fact that John's treatise takes its point of departure, in the first instance, from the debates at the theological faculty of the University of Paris. That this is indeed so has been confirmed by Lars Vinx's convincing argument that his principal target, in the first redaction of *De potestate regia et papali*, was a quodlibet from the pen of his colleague James of Viterbo — and not, say, other polemical writings in the debate between Boniface and Philip.¹⁴ Also, his commentary on the *Sentences*, which John wrote in the years 1292–94 at the University of Paris, has

¹² 'liberaler Staatsdenker': Dempf, *Sacrum imperium*, p. 423; 'die Stimme der Revolution': Haller, *Das Papsttum*, v, 198. In contrast, French historians regarded John as a theologian firmly based in Thomism: Rivière, *Le problème de l'Église*, pp. 281–300; Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*; Congar, *L'Église*, pp. 281–86.

¹³ Tierney, *Religion, Law, and the Growth*; Tierney, *The Idea of Natural Rights*. The criticism voiced by Cary Nederman is directed against the influence of earlier canon law theory on modern political thought. The lively debate following this criticism does not impinge directly on the issue discussed here: Nederman, 'Conciliarism and Constitutionalism'; Nederman, 'Freedom, Community and Function'; Nederman, 'Constitutionalism'; Nederman, *Lineages of European Political Thought*, pp. 29–48; Oakley, 'Nederman, Gerson, Conciliar Theory and Constitutionalism'; Oakley, 'Anxieties of Influence'; Oakley, *The Conciliarist Tradition*, pp. 60–111; Fasolt, 'Voluntarism and Conciliarism'. I have traced the origins of the debate on constitutionalism in Ubl, 'McIlwain und Constitutionalism'.

¹⁴ Ubl and Vinx, 'Kirche, Arbeit und Eigentum', pp. 327–28; Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', pp. 54–55.

been wholly overlooked.¹⁵ Yet in the fourth book we find Quidort commenting several times on issues of ecclesiology. Here then, it would seem, we are well placed to investigate the genesis of John's theory of the Church's constitution and where he stands with regard to canon law tradition. To this end, I have chosen three subjects from his commentary on the *Sentences*, which John then revisits in *De potestate regia et papali*: Can the pope commit simony? What is the nature and scope of the power of the keys? And, finally, what is the status of bishops and priests under canon law? My purpose will be to document what I take to be a considerable evolution between the positions taken in his commentary and the ecclesiology advanced in John's polemical tract several years later. Behind this evolution is not an improved knowledge of canonistic sources, but rather, I suggest, a deepened understanding of the structure of the Church — plus a strong desire on John's part to give polemical support to the French king.

Tackling the problem of the origins of conciliarism requires engaging in a very basic issue: How should historians conceptualize the genesis of ideas? Tierney uses a traditional methodology of intellectual history, in that his authors are treated as participants in a continually unfolding, learned debate over an issue of almost timeless relevance. To be sure, this methodology has yielded significant results; yet its weaknesses have also become apparent over the last fifty years, with the development of new approaches. Quentin Skinner and John Pocock, in particular, have insisted that rigorous consideration should be given to context, both historical and linguistic.¹⁶ Works of political theory, in their view, do not simply adopt theoretical positions in a learned debate; rather they should also be seen as acts performed to support one or another party to a conflict. This performative aspect of texts led to a reaction against what may be called a genealogical-diachronic perspective in favour of a discursive-synchronic one, a move that was reinforced by the theories of Michel Foucault and by the rise of New Historicism. If there is a common thread running through these new theoretical leads, it is this: they all call into question the possibility of constructing, for any given idea, anything like its 'essence' or 'origin'; simultane-

¹⁵ Müller, 'Les reportations des deux premiers'; John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller. On the transmission of the commentary on the fourth book of the *Sentences*, see Ubl and Vinx, 'Kirche, Arbeit und Eigentum', pp. 337–39, with references to the three manuscripts: Basel, Universitätsbib., Cod. B. III. 13; Paris, Bib. Mazarine, MS 889; Paris, Bib. de l'Arsenal, MS 379. The variants of the latter, an early *reportatio*, are indicated here in angle brackets.

¹⁶ See Pocock, *Politics, Language and Time*, pp. 3–41; Pocock, 'The Concept of a Language'; Skinner, *Visions of Politics*, I, 57–89.

ously, they alert us to discontinuities in the rise of theoretical positions as well as their time-bound nature. On the other hand, recent years have seen a revival of the genealogical perspective, decked out with elements of systems theory and the theory of evolution. Chiefly of note here is the work of Niklas Luhmann on social structure and semantics, in which he conceives of intellectual innovations as a process governed by variation, selection, and restabilization.¹⁷ In his view, it is not variation of ideas which is in need of explanation, but rather selection and the process of integrating ideas in a new framework, what he calls restabilization. He thus equally draws focus away from originality towards context and influence. These theoretical insights can help to shine a light on the emergence of conciliarism.

Pope and Simony

In the eleventh-century Church, reformers devoted much of their time to combating simony, which they branded as heresy. They used their sweeping condemnation of its practice to banish lay influences from the Church and to expand the jurisdictional primacy of the pope. It is a subtle irony of history that this struggle against simony then metamorphosed into the theory that the pope himself cannot commit simony. For the backdrop to this development we need only turn to the history of the collation of benefices, whose centralization by the Roman Curia made it necessary to petition the pope before these could be distributed.¹⁸ As the thirteenth century wore on, it became customary, whenever a benefice was bestowed by the pope, for a mandatory fee to be paid, known as the annate. At the same time, there was a growing practice of bundling together a number of benefices and bestowing benefices without cure of souls. The upshot was that the institution of benefices gradually came to be seen as a purely secular right to specific incomes, acquirable in Rome for a certain fee.

This development did not escape the attention of canonists and theologians, triggering a controversy over whether the pope is able to commit simony.¹⁹

¹⁷ Luhmann, *Gesellschaftsstruktur und Semantik*; Luhmann, *Die Gesellschaft der Gesellschaft*, pp. 536–56; Luhmann, *Ideenevolution*, pp. 234–52. A cruder ‘naturalist’ stance on the evolution of ‘memes’ was put forward by Dawkins, *The Selfish Gene* and by Dennett, *Darwin’s Dangerous Idea*.

¹⁸ Barraclough, *Papal Provisions*; Meyer, *Zürich und Rom*, pp. 25–49; Bégou-Davia, *L’interventionnisme bénéficiaire de la papauté*.

¹⁹ Jedin, *Kirche des Glaubens*, pp. 264–84. Jedin insinuated a bastard origin of this ‘outrageous’ doctrine, ascribing it to the enemies of Boniface VIII. However, he overlooked Henry

The influential canonist Henry of Segusio (d. 1271), also known as Hostiensis, taught that for the pope to distribute benefices did not of itself, and never could, make him guilty of simony. For Henry, there was a fundamental distinction between simoniacal practices, which were proscribed in both Old and New Testaments and so were intrinsically simoniacal, and practices whose proscription is due only to a ruling of positive ecclesiastical law.²⁰ Falling under the first category were the purchase and sale of sacraments, of which Simon Magus is accused in Acts 8. 18–25; as for the second, a case in point was the collation of benefices not directly linked to the care of souls. Since the bestowal of such benefices in return for material considerations is only deemed simoniacal because of relevant papal constitutions, it follows that the pope *qua* legislative authority is able to waive their provisions in his own case.²¹ Henry of Segusio compares the pope with the *princeps* under Roman law, who has lent his own authority to the laws forbidding the sale of offices and so is able to set aside their validity. Henry adds a caveat to the effect that the circumvention of papal decrees by the pope himself may entail a sin on his part. The pope *may* not offend in this way, since it is incumbent on him to set the clergy a high standard of moral conduct. Notwithstanding this injunction, he cannot be held liable for any lapses on his part — a reading Henry of Segusio encapsulates in the celebrated dictum *princeps legibus solutus*.²² Hence, the position Henry takes sits well with his idea of papal sovereignty trumping ecclesiastical law.²³

Contrary to this canonistic teaching, Thomas Aquinas retained the traditional condemnation of simony. Thomas saw no difference between dealing in sacraments and dealing in ecclesiastical benefices, construing both *sensu stricto* as simony (and therefore forbidden).²⁴ In his own commentary on the *Sentences*, as well as in his *Summa theologiae*, he explicitly rejects the canonistic position

of Segusio's role in its evolution.

²⁰ This distinction has a long tradition: 'In hoc tamen distinguendum est sicut distinxerunt doctores antiqui, quedam sunt prohibita quia symoniaca', Geoffrey of Trani, *Summa super titulis decretalium*, fol. 200^{ra}; *Glossa ordinaria*, ad x 1.29.12 v. *dimittere*, col. 335; Henry of Segusio, *Lectura*, ad x 5.3.41, fol. 27^{va}.

²¹ 'Hic autem loquitur de acquisitione beneficii ecclesiastici quod simoniacum est, quia prohibitum, in quo casu papa potest dispensare et declarare sicut placet constitutionem suam': Henry of Segusio, *Lectura*, ad x 5.3.41, fol. 27^{va}.

²² Henry of Segusio, *Lectura*, ad x 5.4.1 v. *quantitate*, fol. 27^{va}.

²³ Watt, 'The Use of the Term'; Pennington, *The Prince and the Law*, pp. 38–75.

²⁴ Aquinas, *Summa theologiae*, II-II, q. 100, a. 4 ad 3, pp. 360–61.

that the pope cannot commit simony.²⁵ The argument Thomas urges is that the pope is not *dominus*, that is, he does not own the Church or its goods; rather he is only *dispensator* or steward, that is, one who has been entrusted with their administration.²⁶ So the pope can commit the sin of simony, just like anyone else; indeed, being head of the Church, for the pope to commit this sin is doubly wrong. On the further question of whether the pope can be brought before a court for acts of simony, here Thomas is silent. Yet this possibility cannot be excluded, because simony, ever since the time of Gregory VII (r. 1073–85), had been classed as a heresy — and heresy is the only offence, under canon law, that can result in the condemnation of the pope. However, it remains unclear how Thomas would have answered this question, given that he plays down the heretical character of simony, viewing it as a sinful lapse in the high moral conduct expected of a pope rather than as a deviation from the path of faith.²⁷

In his commentary on the *Sentences*, John still moved wholly within the received tradition. In both the structure of his argument and its substance, his *quaestio* on simony is clearly much indebted to the *Summa theologiae* of Thomas Aquinas.²⁸ John makes only one major change to Thomas's question, himself asking whether a pope dealing in sacraments (not in benefices) can be said to commit simony. Adopting a formulation of Thomas's, John affirms that he can be, since dealing in sacraments is among the simoniacal practices that are always and invariably proscribed. John is quick to add though that the pope, in thus sinning, is not liable to punishment, since he has himself, *qua legislator*, fixed the degree of punishment through laws, and so can waive their application in his own case. Contrary to Thomas, he is clear about papal non-accountability:

Again, the pope can sell the sacraments and, according to some, cannot commit simony. [...] Concerning this argument about the pope, I say that he can commit simony before God, and this is the more serious due to the highness of his rank. But I think that he does not incur a penalty (that is the resignation of his office), because

²⁵ Aquinas, *Summa theologiae*, II-II, q. 100, a. 1, pp. 352–54.

²⁶ 'Papa potest incurrere vitium simoniae, sicut et quilibet alius homo. Peccatum enim tanto in aliqua persona est gravius quanto maiorem obtinet locum. Quamvis enim res ecclesiae sint eius ut principalis dispensatoris, non tamen sunt eius ut domini et possessoris': Aquinas, *Summa theologiae*, II-II, q. 100, a. 1 ad 7, p. 353. See also Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. IV, d. 25, q. 3, a. 3 ad 2, p. 581.

²⁷ Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. IV, d. 25, q. 3, a. 3, q. 2, p. 63; Aquinas, *Summa theologiae*, II-II, q. 100, a. 1 ad 1, p. 353. De Vooght, *Hussiana*, pp. 379–99.

²⁸ Arguments 4, 5, and 7 in Aquinas, *Summa theologiae*, II-II, q. 100, a. 1, are identical to arguments 1, 3, and 4 in John's commentary. The corpus of the *quaestio* is also identical.

this is of positive law. Only the legislator, since he is above the law, can interpret himself to be dispensed from it. Again, he did not enact the law against himself, but against others; therefore he cannot be punished by the Church.²⁹

This statement only concerns the dealing in sacraments. Of the dealing in benefices engaged in by the Roman Curia, John has nothing direct to say; but since, unlike Thomas, he explicitly accepts the canonistic distinction between practices that are simoniacal per se and practices that are merely forbidden,³⁰ we may indeed conclude — factoring in the papal sovereignty he has already accepted³¹ — that John would concur with the position of Henry of Segusio. To be sure, again this does not mean the pope is not morally obliged not to deal simoniacally in benefices.

Thus John, breaking with Thomas, seemed to take the side of the jurists. Only later, in *De potestate regia et papali*, would he come up with an innovative theory of the papacy, one that, being a genuine alternative to both juristic and Thomistic traditions, was bound to provoke hefty debates. What led to John's original contribution was the wave of protests occasioned by the arbitrary and simoniacal regime of Boniface VIII. The first of these came from Cardinals Giacomo and Steffano Colonna. In May 1297, the two brothers rebelled openly against Boniface, a step that cost them dearly: they were stripped of the purple and had their worldly goods confiscated. William of Nogaret, councillor to the King at the height of the conflict between Boniface and Philip, saw in their rebellion an opportunity to portray the Pope as a heretic and launch an appeal for a general council to be convened. In a speech given in the Louvre on

²⁹ 'Item papa potest vendere sacramenta et tamen secundum quosdam non potest committere symoniam. [...] Ad aliud de papa dico, quod potest committere <symoniam in foro dei> et tanto gravius quanto <est> dignioris status. Sed bene credo, quod reatum pene, <scilicet resignationem beneficii>, non incurrit, quia illud est de iure positivo. Modo legislator, cum sit supra ius, videtur interpretative secum dispensare. Item nec dedit illam legem contra se, <sed contra alios, ideo ab ecclesia non potest puniri>': John Quidort, *In IV. Sent.*, bk. IV, d. 25, q. 1 (Basel, Universitätsbib., Cod. B. III. 13, fol. 160^{rb-v2}; Paris, Bib. Mazarine, MS 889, fol. 91^{ra-rb}; Paris, Bib. de l'Arsenal, MS 379, fol. 200^{rb}).

³⁰ 'Dico, quod aliqua sunt symoniaca quia prohibita, alia prohibita quia symoniaca. Vendere beneficia ecclesiastica, que non possunt cadere in personam laici, prohibitum est ab ecclesia et ideo symoniacum': John Quidort, *In IV. Sent.*, bk. IV, d. 25, q. 1 (Basel, Universitätsbib., Cod. B. III. 13, fol. 160^{rb-va}; Paris, Bib. Mazarine, MS 889, fol. 91^{ra-rb}; Paris, Bib. de l'Arsenal, MS 379, fol. 200^{rb}).

³¹ 'Illius solum est ius interpretari vel declarare, cuius est condere, et ideo ad solum papam pertinet': John Quidort, *In IV. Sent.*, bk. IV, d. 38, q. 6 (Basel, Universitätsbib., Cod. B. III. 13, fol. 169^{va}; Paris, Bib. Mazarine, MS 889, fol. 95^{vb}; Paris, Bib. de l'Arsenal, MS 379, fol. 207^{vb}).

12 March 1303 before the King's assembled councillors, he repeated the charges of surreptitious accession and tyrannical governance made in the Colonna manifesto and openly accused Boniface of heresy.³² In accordance with the procedural rules, however, he put off saying exactly what heresies the Pope had committed until an indefinite future date.³³ Nogaret said only, on that occasion, that

Boniface is an *horribilis symoniacus*, whose like the world has never seen since it first began. The plague of this criminal activity of his is notorious all around the globe, opening the eyes of all those who wish them opened to the fact that he publicly preaches his incapacity as pope to commit simony, which is an abomination before God.³⁴

What is remarkable here is that Nogaret only accused Boniface of a learned heresy, and indeed one that most contemporary canonists would not have adjudged to be such. This can presumably only mean that he was at the time (March) still largely in the dark as to the nature of the Pope's alleged heresies.³⁵ Only some months later, on 13/14 June, was Nogaret's deputy, William of Plaisians, able to support his own accusations of papal heresy. Plaisians drew on materials which had, in all likelihood, been supplied to him by the two Colonna cardinals, who were then still living in Italy. Thus, Plaisians backed up his accusations of heresy by naming Simone (!) Gherardi, a member of a Florentine banking family by the name of Spini, who was said to have dealt, on the Pope's behalf, in all manner of benefices, absolutions, and dispensations, just as if they were profane things.³⁶ The thesis that the pope cannot commit simony, which was already put forward in March 1303, is likely to have stemmed directly from Nogaret's

³² Coste, *Boniface VIII en procès*, pp. 103–22.

³³ Schmidt, *Der Bonifaz-Prozeß*, p. 62.

³⁴ Coste, *Boniface VIII en procès*, p. 117.

³⁵ Nogaret's first mission to Rome, dating to 7 March 1303, could have served to establish contacts with the enemies of the Pope in Italy. Jean Coste first distinguished this mission from the later one in June which led to the 'outrage of Anagni': Coste, 'Les deux missions'. Coste assumed that Nogaret was meant to negotiate with the Pope because the King made every endeavour to compromise with Boniface. However, this is contradicted by the evidence of Philip rejecting harshly the offer delivered by Cardinal Lemoine earlier in the same year: Dupuy, *Histoire du différend d'entre le pape Boniface VIII*, pp. 92–95; Steckling, 'Cardinal Lemoine's Legation'. Moreover, Philip would have probably not sent Nogaret, but a prelate (like Peter of Mornay), if he really had tried to make peace. It is therefore still more likely that the King agreed to level the charge of heresy against the Pope before Nogaret set off to Italy on 12 March 1303.

³⁶ Coste, *Boniface VIII en procès*, p. 150.

own experience. Later, he repeatedly stated that he had, during the time of his legation at the papal palace (February 1300), remonstrated with the Pope about his simoniacal practices.³⁷ Whether he did at the time privately warn the Pope about the likely consequences of persisting in these, which was procedurally required before the Pope could be publicly charged and the matter brought to trial, has been rightly doubted by Jean Coste.³⁸ Still, it can be plausibly assumed that Nogaret, in the controversy between Pope and King on the collation of benefices, was informed either by Boniface himself or by a curial jurist that the pope is considered incapable of simony.

In view of the fact that Boniface's dictum — the pope is incapable of simony — was favourably received by the canonists of the day, there is no reason to doubt the testimony of Nogaret and others.³⁹ The reason why the canonists fell into line here can be found in the generally accepted idea that the pope was above the law. But it was this very notion of papal sovereignty that John would be the first to reject, subjecting it in his *De potestate regia et papali* to a devastating critique. That the pope can commit simony and, in consequence, be brought before a court was expressly affirmed by John in its pages — in sharp contrast to his commentary on the *Sentences*. Yet he does not develop his critique of papal sovereignty in any systematic way, since his chief purpose, in the later treatise, was to demonstrate the autonomy of the French king in matters of secular power. Demarcating papal from kingly power is his theme, while the limits to papal primacy within the Church rate only a passing mention. We must, therefore, collate the remarks that John has scattered at various points in his treatise, and then ask whether we can glimpse behind them a coherent theory of the papal office.⁴⁰

One limit to papal power was generally recognized in canon law: were the pope ever to lapse into heresy, he could indeed be stripped of office.⁴¹ Within this framework it was controversial whether the power to proceed was vested in

³⁷ Coste, *Boniface VIII en procès*, pp. 96–99.

³⁸ Coste, *Boniface VIII en procès*, p. 99.

³⁹ The charge was repeated by other witnesses: Coste, *Boniface VIII en procès*, pp. 289–90. Supporters of Boniface accepted the truth of the doctrine: Augustine of Ancona, *Contra articulos inventos*, ed. by Finke, pp. lxxiii–lxxiv; Schmidt, *Der Bonifaz-Prozeß*, p. 368; Guido of Baysio, *Rosarium decretorum*, ad d. 79 c. 9 v. *apostaticus*, fol. 95^{rb}.

⁴⁰ See Becker, *Die Appellation vom Papst an ein allgemeines Konzil*, pp. 282–87 (discussing *De potestate regia et papali*, c. 22).

⁴¹ Tierney, *Foundations of the Conciliar Theory*; Moynihan, *Papal Immunity and Liability*; Buisson, *Potestas und caritas*, pp. 166–215.

the cardinals or in a general council. It was also unclear whether this stipulation could claim to be binding only for heresies that had been already condemned or for new ones of the pope's own devising. John sided here with the position of Alanus Anglicus (and also the *Glossa ordinaria* of Johannes Teutonicus) by categorically rejecting the view that the pope can single-handedly designate a new and — among theologians — controversial matter of faith. As had Alanus and Johannes before him, John concluded that the council is supreme in matters of faith: 'As the globe is greater than the city of Rome, so the council, acting in conjunction with the pope, trumps the authority of the pope acting alone'.⁴²

At another point in *De potestate* John was ready to go further. There he raised the question as to whether the election of a pope can be contested for *pro forma* reasons or because of personal disqualification from holding office. For the second case — where, say, a woman or a heretic has been elected — John had only to repeat what he had said earlier about a heretical pope. But for the first case, that is, where there has been some formal error in the election procedure, he was ready to break new ground. True, twelfth-century commentators on Gratian's *Decretum* had agreed that either the cardinals or a general council possessed due authority to decide in the event of a contested papal election; but in the late twelfth and thirteenth centuries, the law applying to papal elections had been so refined by papal decretals as to give rise to the papally sanctioned doctrine of the incontestability of papal elections.⁴³ Thus Pope Alexander III's constitution *Licet de vitanda* (1179) had stipulated that, as soon as a candidate had achieved a two-thirds majority, exception could not be taken against him, unless it was the case that he had fallen into heresy.⁴⁴ John, on the other hand, reverted to the older teaching of the decretists, noting that, as for any other election of a prelate, so too a papal election can be contested for *pro forma* reasons:

If after careful examination of the person and election of a pope by learned men and others involved, something impermissible touching his status is found, there must be no covering up. He must be advised to withdraw. If he is unwilling to do so, he

⁴² 'Amplius, cum fides Christiana sit catholica et universalis, non potest summus pontifex hoc ponere sub fide sine concilio generali [...] eo quod orbis maior est urbe et papa cum concilio maior est papa solo': *De potestate*, c. 20 (Leclercq, p. 243; Bleienstein, pp. 184–85). Sources (Johannes Teutonicus, Alanus Anglicus) are quoted by Tierney, *Foundations of the Conciliar Theory*, p. 45; Tierney, 'Pope and Council'.

⁴³ Tierney, *Foundations of the Conciliar Theory*, p. 69.

⁴⁴ x 1.6.6: Friedberg, *Corpus iuris canonici*, II (1881), col. 51. See Herde, 'Die Entwicklung der Papstwahl'.

can be taken captive, a general council called, and the case laid before it. If in such a case, he proves obstinate and violent he ought to be removed, even with the aid of the secular arm, lest the sacraments of the Church be profaned.⁴⁵

However, it would be wrong to suppose that John was simply adopting the views of earlier scholars as his own — as we know, the same river can never be crossed twice. If he was taking over anyone's view, it was that of the Cardinals Colonna; indeed he was, in a certain sense, threatening the Pope that the French crown might throw its weight behind the Cardinals' accusations of *illegittimus ingressus*. In their manifesto, the Cardinals Colonna had contested the election of Benedict Gaetani, alleging that the latter had, by recourse to bribery and devious tricks, forced his predecessor to abdicate and brought about his own election.⁴⁶ This touched off a meticulous debate amongst scholars.⁴⁷ The most convincing case mounted in favour of Boniface VIII stemmed from the pen of Giles of Rome (Aegidius Romanus). In his polemical tract *De renuntiatione pape*, he countered the arguments of the Cardinals Colonna by citing the above decretals and strictly distinguishing between a papal election and that of every other prelate. A papal election was valid, he asserted, even in circumstances where, had it been any ordinary election, an appeal would have been admissible; otherwise, the risk of the Church splitting apart could not be averted.⁴⁸ John, who had read Giles's tract (he quotes extensively from it in his own treatise),⁴⁹ was adamant in dismissing the position it takes, insisting that a papal election in no way differed from any other election to high Church office.⁵⁰ That his threat to press home the accusations made by the Cardinals Colonna

⁴⁵ 'Si vero circa personam vel electionem summi pontificis, post discussionem diligentem a litteratis et ab illis quorum interest factam, aliquid inveniretur legitimum contra statum, non esset dissimulandum, sed monendus esset cedere, et si nollet, posset excipi et generale concilium peti et ad ipsum concilium appellari': *De potestate*, c. 22 (Leclercq, p. 248; Bleienstein, pp. 192–93).

⁴⁶ Coste, *Boniface VIII en procès*, pp. 53–54.

⁴⁷ Leclercq, 'La renonciation de Célestin V'; Bertram, 'Die Abdankung Cölestins V'; Eastman, *Papal Abdication*; Bartoli, 'Olivi et le pouvoir du pape'; Pio, 'La propaganda politica'; Gigliotti, 'Fit monachus, qui papa fuit'.

⁴⁸ Giles of Rome, *De renuntiatione pape*, ed. by Eastman, c. 23, p. 340. See the similar views in Innocent IV, *Summa*, ad x 1.6.6 v. *exceptione*, fol. 41^{vb}; Henry of Segusio, *Lectura*, ad x 1.6.6 v. *exceptione*, fol. 39^{ra} and *et receptus*, fol. 39^{rb}.

⁴⁹ Scholz, *Die Publizistik*, p. 293.

⁵⁰ 'cuius tamen forma est certa, in qua potest error incidere sicut circa electionem cuiuslibet alterius praelati ecclesiastici': *De potestate*, c. 22 (Leclercq, p. 248; Bleienstein, p. 192).

was no empty boast is shown by the accusation brought against Boniface in March 1303, in which William of Nogaret took over the charge of *illegittimus ingressus*.⁵¹

If the two limits set on papal sovereignty discussed above (heresy and a contested election) are not without precursors in canon law, then in his comprehensive demolition of papal immunity John was definitely breaking new ground. In two ways he excoriated the guiding principle behind Church reform in the High Middle Ages, the maxim *prima sedes a nemine iudicatur*.⁵² On one side, he likened the papal office to that of an abbot or bishop, who can both be made to answer for serious offences before a court and, if found guilty, removed from office.⁵³ As for any other holder of Church office, so too the pope is subject to the principle of idoneity: 'For the pope, like any other prelate, rules not for himself but for the benefit of the people. Therefore the consent of the people is of more significance for deposing him against his will should he seem wholly useless.'⁵⁴ Significantly, John's text was filled with references to the same accusations that the Cardinals Colonna had already laid at Boniface's doorstep and that — later on — the councillors of the French King would take up: the pope can be brought to justice if he had engaged in the simoniacal distribution of benefices, squandered Church possessions, illicitly encroached on the rights of others, disseminated false teaching in matters of faith and morality, and so on.⁵⁵ And he was explicit on the subject of the openly defiant Cardinals Colonna:

⁵¹ Coste, *Boniface VIII en procès*, pp. 113–14, 116.

⁵² *Dictatus papae* 18, in Gregory VII, *Das Register*, ed. by Caspar, I, 206; *Decretum*, D. 40, c. 6; Friedberg, *Corpus iuris canonici*, I (1879), col. 146. Zimmermann, *Papstabsetzungen des Mittelalters*, pp. 158–63; Vacca, *Prima sedes a nemine iudicatur*.

⁵³ 'Et sicut etiam monasterium posset agere ad depositionem abbatis vel ecclesia particularis ad depositionem episcopi [...] ita si appareret quod papa bona ecclesiarum infideliter detraheret [...] deponi posset si admonitus non corrigeretur': *De potestate*, c. 6 (Leclercq, p. 188; Bleienstein, p. 95).

⁵⁴ 'Cum ipse papa et quilibet alius praelatus praesit non propter se, sed propter populum, ut scilicet prosit, efficacior est consensus populi in casu tali ad deponendum eum etiam invitum, si totaliter inutilis videatur': *De potestate*, c. 24 (Leclercq, p. 254; Bleienstein, p. 201).

⁵⁵ 'Si vero in spiritualibus delinquit papa, beneficia simonice conferendo, ecclesias dissipando, privando personas ecclesiasticas et capitula iuribus suis, vel etiam male sentiendo vel docendo circa ea quae ad fidem vel bonos mores pertinent, tunc primo monendus esset a cardinalibus qui sunt loco totius cleri. Et si incorrigibilis esset nec possent per se amovere scandalum de ecclesia, tunc in subsidium iuris haberent supplicando invocare brachium saeculare': *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 140).

If the pope knows that there are persons, whether ecclesiastics or laymen, who are laying complaint against him on the score of unjust stewardship as they are permitted and indeed under obligation to do, he can in no manner legally remove them or depose them from what is theirs; he has no authority from God to do this.⁵⁶

John took much the same line, declaring that not only the general council but the College of Cardinals too, as representatives of the clergy and the entire congregation of the faithful, were competent to proceed with dismissing the pope from office.⁵⁷ Thus he accepted that the Cardinals Colonna (along with other cardinals with French leanings) had made a telling case against Boniface. So on this point too he had clearly broken with the canon law of the thirteenth century, where only the council had the right to dismiss a heretical pope.⁵⁸ Such openly expressed support for the rebellion in Rome shows John attempting to build a bridge to Boniface's old enemies, a ploy that actually paid off a year later (as witness Nogaret and Plaisians). All in all, John's strategy of curtailing papal sovereignty and investing the papal office with a duty of accountability should be seen as a means to an end — that end being to erect a theoretical edifice justifying the charges laid against Boniface's arbitrary and tyrannical regime.

Moreover, John built an alternative argument to refute the principle of non-accountability by assigning to worldly power an important role in dismissing the pope. In all cases envisaged by John where the pope might qualify for indictment, the emperor (or the secular arm) could be called in, if only as a last resort, to depose the pope by force. Such an unequivocal setting-aside of clerical immunity he thought appropriate in the following cases: a contested election, a heretical pope, if the pope insists on a new dogma, if he commits simony, if he

⁵⁶ 'Et siquidem sciat papa aliquos viros ecclesiasticos vel saeculares contra se ob indebitam dispensationem clamantes eo modo quo possunt et debent, non potest eos de iure amovere vel deponere ab eo quod eorum est qualitercumque, cum ad hoc non habeat auctoritatem a Deo': *De potestate*, c. 6 (Leclercq, p. 188; Bleienstein, p. 95). This implicit reference to the Colonna case was identified by Miethke, *De potestate papae*, p. 119, n. 333.

⁵⁷ 'a cardinalibus qui sunt loco totius cleri': *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 140); 'a collegio cardinalium quod in tali casu est loco totius populi': *ibid.*, c. 24 (Leclercq, p. 254; Bleienstein, p. 200); 'collegium cardinalium, quia ex quo consensus eorum facit papam loco ecclesiae videtur similiter quod potest ipsum deponere': *ibid.*, c. 24 (Leclercq, p. 254; Bleienstein, p. 201).

⁵⁸ For Henry of Segusio, see Von Schulte, *Die Stellung der Konzilien*, p. 268; for Guido of Baysio, see Tierney, *Foundations of the Conciliar Theory*, p. 193; Moynihan, *Papal Immunity and Liability*; Godfrey of Fontaines, *Les quodlibets onze-quatorze*, ed. by Hoffmans, *Quodlibet* XII, q. 4, (I, 98), quoted in *De potestate*, c. 6 (Leclercq, p. 188; Bleienstein, p. 95).

squanders ecclesiastical goods, if he spreads false moral teachings.⁵⁹ John was explicit on the point that the emperor may, by threatening confiscations and physical punishments, compel the faithful to disobey the pope, thus deposing him from office.⁶⁰ Nor was that all: even if the pope only committed a crime that related to the temporal sphere, by, say, engaging in usury or abetting usurers, the emperor was still obliged to punish him. This latter contention John justified by insisting that clerical immunity did not rest on divine law but on imperial privilege. And this privilege was not, according to John, applicable to the pope, because the pope was not subject to the jurisdiction of any ordinary judge within the Church.⁶¹ There can be no doubt that the arguments adduced by the French Dominican intended nothing less than to leave the door wide open for the French king to proceed against the pope.

The Power of the Keys

Now what are we to make of this radical critique of papal sovereignty? We should certainly be asking whether John has not now jettisoned *in toto* the papal jurisdictional primacy. Is the pope anything more than a delegate of the universal Church? In the interval since his commentary, John's thinking on the papal office has performed a volte-face: whereas in the earlier text, he had affirmed the dual thesis of papal incapacity to commit simony and papal non-accountability, now, in his polemical tract, he is ready to embrace the possibility that the pope could be charged with simony, and a host of other offences too. How does John legitimize this bold departure from the traditional understanding of the Church's constitution? What authority can the College of Cardinals (or the general council) invoke when proceeding against the pope? And how are we to retain the very primacy of the Church of Peter, Prince of the Apostles? If we are

⁵⁹ *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 140); *ibid.*, c. 20 (Leclercq, p. 239; Bleienstein, p. 179); *ibid.*, c. 22 (Leclercq, p. 248; Bleienstein, p. 193); and *ibid.*, c. 22 (Leclercq, p. 250; Bleienstein, p. 196).

⁶⁰ 'Et si quidem papa acquiescere nollet, posset aliquid facere in populo, unde compelleretur cedere vel deponeretur a populo, quia posset imperator sub hypotheca rerum vel poena corporum inhibere omnibus et singulis, ut nullus ei oboediret vel serviret ut papae': *De potestate*, c. 13 (Leclercq, p. 214; Bleienstein, p. 138).

⁶¹ 'Et dico quod primo iure habet imperator ratione delicti praecipue civilis papam immediate corrigere, quia de privilegio a principibus indulto clerici nonnisi per suos episcopos iudicantur': *De potestate*, c. 13 (Leclercq, p. 215; Bleienstein, p. 139).

to answer these questions, we will need to go to the heart of medieval ecclesiology. We will briefly need to review the theory of the power of the keys.

For as long as the Middle Ages lasted, bestowal of the power of the keys upon Peter was taken to be the biblical foundation of Roman primacy (Matthew 16. 18–19).⁶² However, understandings of what exactly was intended by saying the power of the keys had been given to Peter evolved perceptibly across time.⁶³ This evolution culminated, at the turn of the thirteenth century, in the duality of *potestas ordinis* and *potestas iurisdictionis*.⁶⁴ In respect of the power of consecration (*potestas ordinis*) two hierarchical levels were distinguished, priests and bishops, with bishops taking precedence over priests in that they, and they alone, could perform ordinations to the priesthood. Jurisdiction (*potestas iurisdictionis*), on the other hand, was seen as a papal prerogative. Pope Innocent III (r. 1198–1216) revived Leo I's old formula, stating that the pope was endowed with *plenitudo potestatis* while bishops were called to participate in serving him.⁶⁵ Scholarship is divided over whether Innocent was endorsing the view that jurisdiction was handed on exclusively by Peter's successors to all other holders of ecclesiastical office.⁶⁶ After all, such a theory could barely be squared with the idea of equality among the apostles as evidenced by John 20. 23, where Jesus bestowed the power of keys on all apostles, not on Peter alone. The bishops as successors of the apostles could therefore lay claim to the same rights as the pope regarding the power of the keys.

Only during the thirteenth century did a more radical position take shape, namely that the pope was the one and only source of jurisdiction in the Church. In the dispute with the secular clergy, the theologians of the mendicant orders came out in support of this monarchist ecclesiology. Their purpose was to give the pope the authority, independent of the Church's traditional structure, to

⁶² On the exegesis of Matthew 16. 18–19, see Gillmann, 'Zur scholastischen Auslegung'; Caspar, *Primatus Petri*; Ludwig, *Die Primatworte*; Fröhlich, *Formen der Auslegung*; Schatz, *Der päpstliche Primat*.

⁶³ Anciaux, *La théologie du sacrement*; Hödl, *Die Geschichte der scholastischen Literatur*; Hödl, 'Lex et sacramentum'; Vanneste, 'La théologie de la pénitence'.

⁶⁴ Hödl, *Die Geschichte der scholastischen Literatur*, p. 387; Van de Kerckhove, 'La notion de jurisdiction'.

⁶⁵ Rivière, 'In partem sollicitudinis'; Benson, 'Plenitudo potestatis'; Watt, *The Theory of Papal Monarchy in the Thirteenth Century*, pp. 75–92; Marchetto, 'In partem sollicitudinis'; Recchia, *L'uso della formula*.

⁶⁶ Schatz, 'Papsttum und partikularkirchliche Gewalt'; Pennington, *Pope and Bishops*, pp. 56–60; Imkamp, *Das Kirchenbild*, pp. 278–89.

delegate tasks to none other than their own orders, thus privileging them over the heads of bishops and priests.⁶⁷ A leading exponent of this monarchist understanding was Thomas Aquinas.⁶⁸ For Thomas, the power of consecration did not, in itself alone, suffice to dispense the sacraments, the reason being that priests first needed to be allocated a parish, to whose congregation they would then dispense the sacraments. Allocation required an act by a priest's superior, thereby setting up a relationship of submission between the priest and his new congregation.⁶⁹ Thus, for the Thomist ecclesiology, every holder of Church office is dependent upon delegation by a superior, ultimately the pope. He is invested with a plenitude of power in the Church and, as such, may entrust the care of souls directly to the mendicant orders.⁷⁰

Now this same ecclesiology was espoused by John in his commentary on the *Sentences*, often using much the same language as his fellow Dominican, Thomas. John too equated the power of the keys with the power of consecration,⁷¹ defining it — along traditional lines — as the spiritual authority to adjudge sins and direct sinners to perform penitential exercises for the salving of conscience.⁷²

⁶⁷ Congar, 'Aspects ecclésiologiques'; Miethke, 'Die Rolle der Bettelorden'; Steckel, 'Predigen über die Prediger'.

⁶⁸ This is argued by Zuckermann, 'Aquinas' conception'. Compare with Horst, 'Papst, Unfehlbarkeit, Konzil'; Congar, 'Aspects ecclésiologiques', pp. 93–98.

⁶⁹ Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. iv, d. 18, q. 1, a. 1b ad 2, p. 542; bk. iv, d. 19, a. 1, a. 3a ad 2, p. 549; Aquinas, *Contra impugnantes*, c. 4 § 7, § 15, pp. 73–75, 83–85; Aquinas, *Quodlibet* xii, a. 18, a. 1, p. 424. On the origins of this idea, see Hödl, *Die Geschichte der scholastischen Literatur*, pp. 318, 353.

⁷⁰ Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. iv, d. 20, q. 1, a. 4c, p. 556; Aquinas, *Super Evangelium Matthaei*, ed. by Busa, c. 16 § 2, pp. 181–82; Aquinas, *Contra errores Graecorum*, bk. ii, c. 32, p. 101; Aquinas, *Quodlibet* iv, a. 8, a. 2, pp. 333–34.

⁷¹ 'Utrum character et potestas conficiendi et potestas clavium sint eadem potestas. Ad hoc dico, quod sic, nec differunt nisi ratione, quia character dicitur illa potestas sub ratione qua distinguit unum ab alio, potestas ordinis vel conficiendi secundum quod ordinatur ad conficiendum, sed potestas clavium secundum quod ordinatur ad ministrandum aliis hoc et alia sacramenta': John Quidort, *In iv. Sent.*, bk. iv, d. 18, q. 2 (Basel, Universitätsbib., Cod. B. iii. 13, fol. 153^{va}; Paris, Bib. Mazarine, MS 889, fol. 85^{vb}; Paris, Bib. de l'Arsenal, MS 379, fol. 184^{tb}), quoting Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. iv, d. 18, q. 1, a. 1b ad 1, p. 542. This view is quoted in *De potestate*, c. 12 (Leclercq, p. 209; Bleienstein, p. 129).

⁷² 'Nec est aliud potestas clavium nisi quedam potestas spiritualis iudicandi in foro animarum': John Quidort, *In iv. Sent.*, bk. iv, d. 18, q. 3 (Basel, Universitätsbib., Cod. B. iii. 13, fol. 153^{va}; Paris, Bib. Mazarine, MS 889, fol. 85^{vb}; Paris, Bib. de l'Arsenal, MS 379, fol. 184^{tb}), quoted in *De potestate*, c. 12 (Leclercq, p. 209; Bleienstein, p. 129); c. 14 (Leclercq, p. 218; Bleienstein, p. 144).

This power is wielded by all bishops and priests in equal measure; however, it can only take effect if a relationship of submission has been created previously between the faithful and the priest. The necessary jurisdiction is conferred by the pope, the sole possessor of plenitude of power:

Whether the priest has the key in regard to everything? Concerning this I say no, because two things are required, the power of consecration and the power of jurisdiction in regard to the specific subject. Only the first is common to all, therefore all can prepare [the Eucharist]; the second, however, is limited. Thus, according to Augustine: As long as the world lasts, it is appropriate that men rule men and angels rule angels, therefore it is appropriate in the Church, that some are at the top, as is the pope, who has the plenitude of power, others in the middle, and others at the bottom.⁷³

On first inspection it surprises us to find that John remains silent on how the pope can justify his claim to plenitude of power. Clearly, he sees no point entering into a specific justification of the pope's position in the Church. After all, the jurisdictional primacy of the pope was regarded in the thirteenth century as incontrovertible, and taken for granted in a series of decretals.⁷⁴ Innocent III was especially given to invoking the papal plenitude of power. If a biblical foundation for *plenitudo potestatis* was sought, this was generally found in Matthew

⁷³ 'Utrum sacerdos habeat clavem respectu omnium? Ad hoc dico quod non, quia <duo ibi> requiruntur, scilicet potestas ordinis et potestas iurisdictionis respectu proprii subiecti. Modo prima communis omnium, ideo omnes possunt conficere, secunda vero est determinata. Unde secundum Augustinum: Quamdiu durat mundus, oportet homines hominibus et angelos angelis preesse, ideo in ecclesia oportet, quod aliqui sint supremi sicut papa, qui habet plenitudinem potestatis, aliqui medii, alii infimi': John Quidort, *In IV. Sent.*, bk. iv, d. 19, q. 3 (Basel, Universitätsbib., Cod. B. III. 13, fol. 154^{va}; Paris, Bib. Mazarine, MS 889, fol. 86^{rb}; Paris, Bib. de l'Arsenal, MS 379, fol. 185^{ra}). See Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. iv, d. 19, q. 1, a. 3a ad 1–3, p. 549. 'Unde sicut ordine datur sacerdoti potestas conficiendi, non tamen potest conficere sine pane, qui est materia sacramenti, sic datur sibi potestas solvendi, non tamen potest exercere nisi detur sibi iurisdicatio populi': John Quidort, *In IV. Sent.*, bk. iv, d. 18, q. 3 (Basel, Universitätsbib., Cod. B. III. 13, fol. 153^{va}; Paris, Bib. Mazarine, MS 889, fol. 85^{vb}; Paris, Bib. de l'Arsenal, MS 379, fol. 184^{rb}). In contrast, pronouncement of excommunication can be delegated by bishops to holders of Church office, without the latter necessarily needing to be ordained priests: John Quidort, *In IV. Sent.*, bk. iv, d. 18, q. 8 (Basel, Universitätsbib., Cod. B. III. 13, fol. 154^{rb}; Paris, Bib. Mazarine, MS 889, fol. 86^{ra}; Paris, Bib. de l'Arsenal, MS 379, fol. 184^{vb}). Compare with Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. iv, d. 18, q. 2, a. 2a, p. 545.

⁷⁴ Watt, *The Theory of Papal Monarchy in the Thirteenth Century*; Pennington, *Pope and Bishops*; Buisson, *Potestas und caritas*.

16. 18–19, where Peter is given the keys to the kingdom of heaven.⁷⁵ Even in the dispute over the privileges of the mendicant orders, the secular clergy, for all their opposition to pastoral care being transferred to the Dominicans and the Franciscans, did not question the pope's jurisdictional primacy. Instead, the strategy of the secular clergy was to trace the rights of bishops and parish priests back to their nomination by Christ, thereby removing them from the pope's jurisdictional reach.⁷⁶ In the secular clergy's view, Christ had bestowed on the apostles not only the power of the keys (John 20. 23) but also the authority to exercise this power, just as Christ in choosing the seventy new disciples (Luke 10) had instituted the order of the priesthood. The intention was to validate bishops and parish priests as part of God's law, which the pope, despite his plenitude of power, could not arbitrarily circumvent. The intention was *not* to cast doubt on papal *plenitudo potestatis* per se.

Nevertheless, jurisdictional primacy rested on thin ice: first, it cast doubt on whether the rest of the apostles, in John 20. 23, had received the same powers as Peter. Jurists confronted this problem by citing Peter's temporal priority (in receiving the keys) as justification of papal primacy.⁷⁷ But there was a second problem the theologians and jurists had contrived to ignore, namely that the power of the keys in Matthew 16. 18–19 had come to be identified, since the turn of the thirteenth century, with the priestly power to consecrate, meaning that it had been emptied of all reference to jurisdiction and to the pope.⁷⁸ So, to bring the whole edifice crashing down, nothing more was needed than to confront systematically the biblical foundations of the pope's jurisdictional primacy with the sacramental theology and the power of the keys.

This, then, was what John proceeded to do in *De potestate regia et papali*. In what should be considered the first draft of his polemical tract, he barely men-

⁷⁵ See Innocent IV, *Summa*, ad 1.4.4. v. *subeat*, fol. 33^{ra}; Henry of Segusio, *Lectura*, ad x 1.7.1 v. *privilegio*, fol. 81^{vb}; ad x 1.7.2 v. *dissolvitur*, fol. 82^{va}; ad x 3.34.8 v. *pro defensione*, fol. 128^{rb-vb}; Aquinas, *Contra errores Graecorum*, bk. II, c. 33, pp. 101–02; Scholz, *Die Publizistik*, p. 485; 'Ex hiis enim verbis precipue opinio et titulus plenitudinis potestatis [...] sumpsit originem': Marsilius of Padua, *Defensor pacis*, ed. by Scholz, D. II, c. 6, 1, p. 198. See also Cowdrey, *Pope Gregory VII*, pp. 520–29; Tierney, *Foundations of the Conciliar Theory*, pp. 23–32; Watt, *The Theory of Papal Monarchy in the Thirteenth Century*, pp. 80–83.

⁷⁶ Bierbaum, *Bettelorden und Weltgeistlichkeit*; Congar, 'Aspects ecclésiologiques', pp. 52–88; Dufeil, *Guillaume de Saint-Amour*; Ludwig Hödl, 'Theologiegeschichtliche Einführung', in Henry of Ghent, *Tractatus super facto praelatorum*, pp. vii–cxvii.

⁷⁷ Tierney, *Foundations of the Conciliar Theory*, pp. 23–32; Zuckermann, 'Aquinas' Conception', p. 120.

⁷⁸ See Ohst, *Pflichtbeichte*; Ubl, 'Der Mehrwert der päpstlichen Schlüsselgewalt'.

tioned the power of the keys; only in what can be regarded as the second version of the tract did he insert two chapters treating the biblical foundations of spiritual and worldly power. I am referring to Chapters 12 and 13. There, sandwiched between setting out the counter-arguments and refuting them — that is, at the centre of a segment that can properly be described as a scholastic *quaestio* — we find his own highly original theory of the power of the keys, a theory that to date has escaped scholarly attention.

In Chapter 12, John takes for granted an assumption he had earlier argued for, namely that it was the Church's primary task, as an institution, to dispense the sacraments to the faithful. Thus the priesthood stood at the heart of John's understanding of the Church. All its other rights and prerogatives were to be interpreted as collateral to the power invested in the priesthood, namely the *potestas ordinis*.⁷⁹ John distinguished no less than six powers as having been bestowed upon the Church by Christ.⁸⁰ The first was the authority to consecrate the Eucharist. The second was the power of the keys, that is, the entitlement to dispense the sacraments, especially the sacrament of penance. Both were seen by John — and here he was following tradition — as aspects of the power of consecration. The third power was the office of preaching, to which all clerics are mandated. The fourth was the power of excommunication (John derived this from Matthew 18. 15). Now, the first four powers had been conferred on all priests equally. On the other hand, the fifth power was the pope's prerogative, this being to assign to every priest and every bishop an appropriate field of activity. John explained this as follows: after the first four powers had been distributed to all bishops and priests, without distinction, it was necessary to designate a principal, someone who could uphold order and determine where the boundaries between the various parishes and dioceses lay. This he justified by paraphrasing Aristotle: 'For men are not usually so solicitous for the common good as they are for their own'. Therefore, it was necessary to appoint someone to a position of authority, tasked with the allocation of priests and bishops.⁸¹

⁷⁹ 'Est ergo considerandum, quod ut ex praedictis capitulo II apparuit sacerdotium non est aliud nisi potestas spiritualis ministris ecclesiae collata ad dispensandum fidelibus sacramenta gratiam continentia qua ordinamur in vitam aeternam. Sicut autem natura quia non deficit in necessariis, ideo non dat alicui potestatem nisi ipse det sufficientia adiutoria per quae potentia illa modo convenienti exire potest in operationem suam, [...] ita Deus cum praedicta potestate dat sacerdotibus illa sine quibus praedictam potestatem convenienter exsequi non possunt': *De potestate*, c. 12 (Leclercq, pp. 207–08; Bleienstein, p. 127).

⁸⁰ *De potestate*, c. 12 (Leclercq, pp. 208–11; Bleienstein, pp. 128–30).

⁸¹ 'Nam si multitudo ministrorum non esset ordinata et distincta per unum in hoc habent-

This office Christ had elected to bestow upon Peter, speaking the words ‘Feed my sheep’ (John 21. 17). As for John’s sixth — and final — power, this was the right the clergy has to expect the faithful to make adequate provision for their upkeep.

Hence, the passage classically cited to justify the plenitude of power was ousted from the theory of the papal office. The bestowal of the power of the keys in Matthew 16. 18–19 was construed by John as referring only to the power of consecration.⁸² In doing so, he was merely giving expression to developments in sacramental theology since 1200. Consequently, if there *was* to be a biblical validation of Roman primacy, it had to derive exclusively from the injunction ‘Feed my sheep’, which the theologians generally glossed as conferring only the power of pastoral care.⁸³ When characterizing this latter power, John alternated between *praelatio* and *iurisdictio* but avoided *plenitudo potestatis*. If the theologians of the mendicant orders were given to characterizing the relationship between the pope and other holders of Church office as *derivatio*, John himself only spoke of a *dispositio* on the part of the pope. The pope, he insisted, had the authority to assign holders of Church office to different tasks, given that ecclesiastical jurisdiction needed to be circumscribed for the sake of order.⁸⁴

All in all, the pope possessed authority in three domains according to John of Paris: First, he was the guarantor of unity of faith, tasked with chairing all debates at the general council on matters of faith and ensuring that a decision was finally taken.⁸⁵ Second, he was the executor of the Church’s constitution, this by allotting priests to congregations and bishops to dioceses, over which

tem auctoritatem esset confusio et neglegeretur communis utilitas, si quilibet ministrorum posset exercere iurisdictionem suam ubique, nam homines non consueverunt esse ita solliciti de communi sicut de sibi appropriato’: *De potestate*, c. 12 (Leclercq, p. 208; Bleienstein, p. 128). See Aristotle, *Politics*, II 3 (1261b 34), in Aristotle, *Politicorum libri octo*, ed. by Susemihl, p. 65.

⁸² *De potestate*, c. 10 (Leclercq, pp. 196–97; Bleienstein, p. 109); c. 12 (Leclercq, p. 208; Bleienstein, p. 129); c. 18 (Leclercq, p. 231; Bleienstein, p. 166). In Chapter 10 (Leclercq, p. 197; Bleienstein, p. 109) John applies to bishops the papal title of *vicarii Christi*: Maccarone, *Vicarius Christi*.

⁸³ For example, ‘Pasce agnos meos: [...] Hoc est probatio dilectionis. [...] Et ex iteratione fiat impressio quod precipitur, custodiendi inferatur sollicitudo. [...] Pasce oves meas: et exemplo et verbo et orationis suffragio’: Hugh of Saint-Cher, *Postilla in Biblia*, v, fol. 361^{ra-rb}. Similarly, Aquinas, *Contra errores Graecorum*, bk. II, c. 32, p. 101.

⁸⁴ *De potestate*, c. 12 (Leclercq, p. 210; Bleienstein, pp. 130–32), where he discusses various interpretations of ‘Pasce oves meas’.

⁸⁵ *De potestate*, c. 3 (Leclercq, pp. 179–80; Bleienstein, pp. 81–83).

they then exercised the twin powers of consecration and jurisdiction. This meant, for John, that the pope was both hierarch and architect of the Church.⁸⁶ Third, no spatial bounds were set as to where the pope could discharge his power of consecration, because he is not bound to a specific congregation or to a specific diocese.⁸⁷ It will not have escaped the reader's attention that, in this analysis of the powers of the keys, nothing remains of the papal plenitude of power. So it is no surprise to find John strenuously avoiding all talk of *plenitudo potestatis*, despite the fact that this had still won his backing in his commentary on the *Sentences*.⁸⁸

Bishops and Parish Priests

But from whom, if not from the pope, do priests and bishops receive their jurisdiction? And from whom does the pope receive his, if he only supervises the boundaries of parishes? To ask these questions is to arrive at what is, arguably, John's most original contribution to the history of political thought, his theory of consent. Even in the earlier commentary, John had raised the issue of the status of bishops and parish priests under the Church's constitution and what jurisdictional power they possessed vis-à-vis the pope. Indeed, he was intervening in the mendicant controversy and siding with his own Dominican order. But even here we catch him complementing his conventional position with a novel element, one that he would later, in *De potestate regia et papali*, radicalize into a general theory of consent.

Throughout the seventy years separating William of Saint-Amour's attack on the mendicant orders (1256) from the condemnation of the secular clergyman John of Pouilly (1321), the issue of the Church's constitution was vigorously debated at the University of Paris. What whetted the rancorous exchanges

⁸⁶ 'Potest nihilominus dici summus pontifex caput quantum ad exteriorem ministrorum exhibitionem, in quantum est principalis inter ministros et a quo ut a principali Christi vicario in spiritualibus totus ordo ministrorum dependet ut a hierarcha et architecto, sicut Romana ecclesia indubitanter est caput ecclesiarum': *De potestate*, c. 18 (Leclercq, p. 230; Bleienstein, p. 164).

⁸⁷ *De potestate*, c. 10 (Leclercq, p. 197; Bleienstein, p. 109); c. 18 (Leclercq, p. 231; Bleienstein, p. 166).

⁸⁸ The concept of *plenitudo potestatis* appears in an addition in some late manuscripts of *De potestate* (called 'X' by Bleienstein): *De potestate*, c. 6 (Leclercq, p. 187; Bleienstein, p. 93). In his edition, Jean Leclercq considered this addition to be authentic, as did Tierney, *Foundations of the Conciliar Theory*, p. 153.

on the legal status of papacy, mendicant orders, and secular clergy was the fact that the remuneration of the parish clergy was at stake; nor should we downplay the importance of an ongoing power struggle inside the Parisian academy. Both parties to the controversy, mendicants and secular clergy, had their champions among the professors of the Theology Faculty. The latter used their authority, whenever the pope made a decision, to attack each other in fiery polemical tracts. What had ignited the secular-mendicant controversy (as it came to be called) was the papal privileging of Franciscans and Dominicans, in which they were granted unrestricted rights to the preaching ministry and to the confessional. Successive popes had justified giving the mendicant orders this prerogative by citing grievances on the parish level, especially deficiencies in pastoral care. The secular clergy saw in this, however, an unlawful incursion into their traditional rights, not least since they stood to lose a considerable portion of their income. They pointed out that it was unrealistic to expect them to discharge their duty of pastoral care, given that their parishioners confess every year to a different mendicant priest, thus placing these beyond the reach of lasting advice and surveillance.

This different reading of the issues by the two factions was mirrored in different readings of the Church's constitution. For the secular clergy, Christ had endowed two offices: one for the bishops (through the apostles) and one for the priests (through the disciples of the apostles). The right of the parish priests to unrestricted pastoral care within their congregation, the secular clergy insisted, derived directly from Christ; it was anchored in God's law and so could not be arbitrarily altered by the pope. Only if a parish priest failed to discharge his duties, or had made himself guilty of some offence, could the bishop or the pope intervene in these legitimately acquired rights. Contrary to this corporatist ecclesiology, the mendicants urged the theory we have already looked at, whereby only Peter had received jurisdiction from Christ, a jurisdiction which the popes then handed on to all holders of Church office.⁸⁹

Thus, for the mendicants, the Church's constitution was clearly structured along monarchical lines. Whereas the Franciscans fully endorsed this theory,⁹⁰ Thomas Aquinas was ready to shift the nub of the argument to the manner in which bishops related to parish priests, since the former had been, as a general

⁸⁹ Van de Kerckhove, 'La notion de jurisdiction'; Tierney, *Foundations of the Conciliar Theory*, p. 30.

⁹⁰ Ratzinger, 'Der Einfluß des Bettelordensstreits'; Hödl, 'Die sakramentale Buße'; Lambertini, *La povertà pensata*, pp. 51–79.

rule, instructed by the pope to authorize the mendicant orders within their dioceses to dispense pastoral care. For Thomas, bishops clearly outranked parish priests, since only the office of bishop could be traced back to direct commissioning by Christ. In the bestowal of the power of the keys (Matthew 18. 18 and John 20. 23), Thomas pointed out, only the apostles were mentioned, whereas their subordinates had been sent out to support the apostles in their mission. The rights of the parish priests therefore, treading as they did in the footsteps of the subordinates of the apostles, derived exclusively from personal appointment and were revocable at any time, without this constituting an injustice.⁹¹ Thomas brought the distinction he saw between bishops and parish priests into a neat formula, redolent of Roman law: the former held regular power (*potestas ordinaria*), the latter power by delegation (*potestas delegata*). Thus did Thomas upgrade the status of bishops, yet without playing down the authority of the mendicant orders, since the pope, as *fons et origo* of both kinds of jurisdictional power, could delegate pastoral care to these orders as he saw fit. Therefore, while only bishops as an ecclesiastical institution derived their status from divine law, this did not mean that each and every bishop did not continue to receive the entirety of his jurisdictional power from the pope.⁹² On this point Thomas is explicit: 'Iurisdictio a maioribus in inferioribus descendit.'⁹³

In his commentary on the *Sentences*, John had raised the issue of the status of parish priests under the Church's constitution. But his own input into the debate would seem, at first sight, to have been marginal: almost all his arguments and counter-arguments were lifted verbatim from *Contra impugnantes dei cultum et religionem*, Thomas's polemical tract attacking William of Saint-Amour.⁹⁴ Only when he reached the *solutio* did he begin to speak, in what is discernibly his own voice, of the canonist positions concerning the status of parish priests. Geoffrey of Trani, who was highly respected by jurists, was of the opinion that parish priests possess rightful jurisdiction, since they are able to appoint their own deputies; Raymond of Peñafort, on the other hand, saw priests as

⁹¹ Aquinas, *Contra impugnantes*, c. 4, pp. 68–85; Aquinas, *Summa contra Gentiles*, bk. IV, c. 76, pp. 241–44. Congar, *L'Église*, p. 237.

⁹² Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. IV, d. 18, q. 2, a. 2a ad 1, p. 545; *ibid.*, d. 24, q. 3, a. 2c ad 1, p. 576; Aquinas, *Summa contra Gentiles*, bk. IV, c. 72 and c. 76, pp. 225–33, 241–44. See Horst, *Bischöfe und Ordensleute*, pp. 38–44, 71–75.

⁹³ Aquinas, *In Quattuor Libros Sententiarum*, ed. by Busa, bk. IV, d. 19, q. 1, a. 3b, p. 549.

⁹⁴ Aquinas, *Contra impugnantes*, c. 4, § 1–14, pp. 68–83.

simply commissaries of the bishop.⁹⁵ Like Thomas before him, John broke with the canonist majority by siding with his fellow Dominican, Raymond;⁹⁶ yet, in doing so, he injected into the debate an entirely new argument: only those chosen by election rightfully held jurisdictional power. Hence, for instance, a prior who had been elected by the monks in an abbey and not appointed by the abbot could be said to possess independent legitimation.

Primo per hoc, quia per electionem non sunt constituti. <Unde in quibusdam abbatibus, in quibus priores eliguntur, eo ipso habent potestatem non commissam ab abbate et in aliis, in quibus non fiunt per electionem, nichil possunt, nisi quod eis commissum est.>⁹⁷

Therefore only the bishop, being in most cases appointed by election, could be said to possess rightful jurisdictional power, not the parish priest. This was John's only argumentative contribution to what was otherwise a collage of Thomist excerpts.

John refuted the monarchist structure of the mendicant ecclesiology with a, so to speak, 'democratic' argument: rightful political authority stems from having been elected. Yet he remained committed to the arguments of the mendicant orders in that he did not cease to characterize the pope as possessing the plenitude of power. He only introduced the idea of election as a criterion for distinguishing between ordinary and delegated political authority. It is election

⁹⁵ 'Ad hoc duplex est opinio. Gaufridus, <qui multum tenetur a iuristis>, ponit in sua summa, quod sunt ordinarii et fundat se super hoc, quod possunt aliis committere vices suas. Remundus autem ponit in sua summa, quod non, immo solum habent potestatem commissionis, secundum quod ab episcopo eis commissum est': John Quidort, *In IV. Sent.*, bk. IV, d. 17, q. 6 (Basel, Universitätsbib., Cod. B. III. 13, fol. 153^{ra}; Paris, Bib. Mazarine, MS 889, fol. 87^{ra-rb}; Paris, Bib. de l'Arsenal, MS 379, fol. 183^{vb}). He refers to Geoffrey of Trani, *Summa super titulis decretalium*, ad x 5.38, fols 239^{vb}–240^{ra}; Raymond of Peñafort, *Summa de paenitentia*, ed. by Ochoa and Diez, bk. III, tit. 34, § 15, cols 811–12.

⁹⁶ Henry of Segusio, *Summa*, ad x 5.38, fol. 272^{rb}; *Glossa ordinaria*, ad x 1.31.3 v. *ecclesiastica sententia*, col. 398.

⁹⁷ John Quidort, *In IV. Sent.*, bk. IV, d. 17, q. 6 (Basel, Universitätsbib., Cod. B. III. 13, fol. 153^{ra}; Paris, Bib. Mazarine, MS 889, fol. 87^{ra-rb}; Paris, Bib. de l'Arsenal, MS 379, fol. 183^{vb}). An addition in Paris, Bib. de l'Arsenal, MS 379 refers to Geoffrey of Trani, *Summa super titulis decretalium*, ad x 3.35, fol. 155^{va}: 'In summa notandum est, quod si priores aliqui per electionem canonicam fuerint instituti sine causa et sine iuris ordine removeri non possunt ut infra eodem c. ii § priores [x 3.35.2] et accedunt ad hoc lvi di. satis perversum [D. 56 c. 7], xvi q. ulti. inventum [c. 16 q. 7 c. 38], xv q. v c. ii [c. 15 q. 5 c. 2], supra de iudi. c.i [x 2.1.1]. Alii autem priores qui non sic eliguntur, sed eos abbates instituunt et sicut volunt de facili remouentur, ut infra de symo. per tuas in fi. [x 5.3.32].'

by popular vote that confers on bishops a right to governmental authority; even so, it is a right subject to papal confirmation, one that also implies accountability to the head of the Church.

In John's view, the Church was organized in a complicated construction of a hierarchy that was — simultaneously — bottom-up (from people to pope) and top-down (from pope to people). This will be easier to understand if we turn to the source of the dictum that jurisdiction must be based on election. John did not himself specify a source for his argument. Yet the dictum instantly came under fire at the University of Paris. The seculars Godfrey of Fontaines and Peter of Auvergne cite it as an argument urged by the mendicant faction. Both assuredly reacted to John of Paris. Godfrey, writing in his eleventh quodlibet (1294), still made no reference to its provenance,⁹⁸ while Peter, writing in his first quodlibet (1296), attributed the dictum to a passage in Gregory IX's *Liber extra*.⁹⁹ There we read that no one in a church where no less than two or three persons are assembled can be chosen as parish priest except by election.¹⁰⁰ Innocent IV and Henry of Segusio evidently derived from this the principle that rightful jurisdictional power within the Church is conferred by popular election as well as confirmation from one's superior.¹⁰¹ Both hastened to add a caveat: this was only a guideline *de iure communi*, which may lawfully be set aside, for example in the event that appointing the prelate in question is

⁹⁸ Godfrey of Fontaines, *Les quodlibets onze-quatorze*, ed. by Hoffmans, *Quodlibet* XI, q. 7, (I, 38–40). *Quaestio* 9 of this quodlibet seems to be directed against John Quidort, *In IV. Sent.*, bk. IV, d. 38, q. 7 (Basel, Universitätsbib., Cod. B. III. 13, fols 169^{va}–170^{ra}; Paris, Bib. Mazarine, MS 889, fols 95^{vb}–96^{ra}; Paris, Bib. de l'Arsenal, MS 379, fols 207^{vb}–208^{ra}). Thus John's commentary was definitely completed by 1294: Müller, 'La date de la lecture', p. 162. For a different view, see Cunningham, 'The "Real Distinction"'.
⁹⁹ 'Contra. Illi qui non assumuntur per electionem non habent potestatem ordinariam, ut Extra de electione, cap. 1 videtur dici': Peter of Auvergne, 'Pierre d'Auvergne', ed. by B. G. Guyot, p. 153. The dispute between John and Peter is discussed by Müller, 'La date de la lecture', pp. 144–46.

¹⁰⁰ x 1.6.1: Friedberg, *Corpus iuris canonici*, II, col. 48.

¹⁰¹ 'Illos autem praelatos vel rectores dicimus ordinariam iurisdictionem habere, qui eliguntur in praelatos ab universitate et confirmationem recipiunt superioris': Innocent IV, *Summa*, ad x 1.31.3 v. *praelatis*, fol. 148^{ra}. 'Potest igitur dici, quod omnes ministri ecclesie, qui per electionem creantur, iurisdictionem ordinariam habent, ex quo administrationem consequuntur, nisi consuetudo contrarium operetur': Henry of Segusio, *Summa*, ad x 1.31, fol. 54^{rb}. See also Johannes de Deo, *Casus decretalium*, quoted in Van de Kerckhove, 'La notion de jurisdiction', p. 424.

the prerogative of a worldly patron or of the pope himself.¹⁰² Basically, therefore, jurisdiction for Innocent and Henry of Segusio stemmed from a variety of sources: from rulers, from the law, through general election, through custom.¹⁰³

John therefore was taking a precept of canon law and generalizing it, recasting it as an argument in favour of the mendicant orders — a view that instantly drew fire from theologians among the secular clergy. Only in his principal work, *De potestate regia et papali*, did he take the final step, jettisoning the dual nature of ecclesiastical rule (bottom-up and top-down) in favour of the radical view that power ran in one direction only: from bottom to top. That ecclesiastical rule derived from the faithful and was subject to election became the platform on which John pitched his political theory: 'So then, just as jurisdiction is conferred by consent of men, so contrariwise it may be taken away by consent'.¹⁰⁴ John transferred this concept from the ecclesiastical into the temporal sphere and declared that the people had the right to submit to whomsoever they pleased, and to elect a king or a dynastic monarchy to rule over them.¹⁰⁵ Moreover, the power of the prelates did not derive from the pope, but rather directly from God and from those among the people who were empowered to vote.¹⁰⁶ At this point in *De potestate regia et papali*, John upped the ante to now include parish priests among those so empowered; in his earlier commentary,¹⁰⁷

¹⁰² Innocent IV, *Summa*, ad x 1.6.1, fol. 41^{rb}; Henry of Segusio, *Lectura*, ad x 1.6.1, fol. 37^{rb}; *Glossa ordinaria*, ad x 1.6.1, col. 109.

¹⁰³ Henry of Segusio, *Summa*, ad x 1.31, fol. 54^{rb}; Henry of Segusio, *Lectura*, ad x 5.4.2 ad v. *sustinuerit*, fol. 28^{ra}. Peter of Auvergne, 'Pierre d'Auvergne', ed. by B. G. Guyot, q. 17, p. 154, quotes this commonly held view to counter John's argument. Oakley is therefore wrong in tracing back John's theory of consent to canonistic teaching: Oakley, 'Legitimation by Consent'. Consent played only a subordinate role in the view of the canonists.

¹⁰⁴ 'Et ideo sicut per consensum hominum iurisdictio datur, ita per contrarium consensum tollitur': *De potestate*, c. 25 (Leclercq, p. 259; Bleienstein, p. 209).

¹⁰⁵ *De potestate*, c. 10 (Leclercq, p. 199; Bleienstein, p. 113); c. 15 (Leclercq, p. 222; Bleienstein, p. 151); c. 19 (Leclercq, p. 235; Bleienstein, pp. 172–73).

¹⁰⁶ 'Sed potestas praelatorum non est a deo mediante papa, sed immediate, et a populo eligente vel consentiente. Non enim Petrus cuius successor est papa misit alios apostolos quorum successores sunt episcopi, sed nec septuaginta duo discipulos quorum successores sunt presbyteri curati, sed eos Christus immediate misit': *De potestate*, c. 10 (Leclercq, p. 199; Bleienstein, p. 114). In Chapter 3 (Leclercq, p. 179; Bleienstein, p. 80), however, he highlights the derivative nature of their power, quoting Thomas Aquinas: Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 35.

¹⁰⁷ See also 'curatus non habet potestatem ordinariam super subditos suos, sed tantum commissionis, quia committitur et confertur sibi ab episcopo': John Quidort, *Quaestio* 6

he had categorically denied the status of legitimate holders of Church office to parish priests. This interpretation of the Church's constitution he referred to as a mixed constitution: 'It would certainly be the best constitution for the Church if, under the one pope, many were chosen by and from each province, so that all would participate in some way in the government of the Church'.¹⁰⁸ Here John was extending to the Church *in toto* that same ideal of a mixed constitution that Thomas, in his *Summa theologiae*, had outlined for worldly rule alone.¹⁰⁹

Are we then to suppose that John's political theory, such as we find it in *De potestate regia et papali*, had matured into a democratic theory of popular sovereignty? Scholars have not been slow to praise John for having, in many respects, been the first to advance such a theory in the Middle Ages.¹¹⁰ Heiner Bielefeldt has, however, cautioned that monarchy was virtually anchored in natural law as being the best constitutional form of all.¹¹¹ The medieval notion of consent did not entail the right to constant validation by the people, but that rulers should rule in such a way as to elicit popular approval.¹¹² Thus John's theory of consent is indeed compatible with his espousal of a hereditary monarchy checked by a limited right of resistance. As for the Church's constitution, here we find John pursuing much the same tack: God Himself had ordained the office of the apostles and, by commissioning Peter in John 21. 17, had granted to the pope all the sweeping powers needed to guard against dissension in the hierarchy of offices and ensure the unity of the Christian faith.¹¹³ The Church offices themselves (and the powers vested in them) stemmed directly from God and are not available for change. However, only the congregation of the faithful could determine

(Klosterneuburg, Stiftsbib., Cod. 179, fol. 279^{vb}). On this manuscript, see Ubl and Vinx, 'Kirche, Arbeit und Eigentum', p. 337, n. 122. Friedman, 'Dominican Quodlibetal Literature', p. 418, ignores this important manuscript. John expressed a similar view in John Quidort of Paris, *De confessionibus audiendis*, ed. by Hödl, p. 38.

¹⁰⁸ 'Sic certe esset optimum regimen ecclesiae, si sub uno papa eligerentur plures ab omni provincia et de omni provincia, ut sic in regimine ecclesiae omnes aliquo modo haberent partem suam': *De potestate*, c. 19 (Leclercq, p. 237; Bleienstein, p. 175).

¹⁰⁹ See Blythe, *Ideal Government*, pp. 39–59.

¹¹⁰ Scholz, *Die Publizistik*, pp. 331–32; John Quidort of Paris, *Über königliche und päpstliche Gewalt*, ed. with a German trans. by Bleienstein, p. 33; Ullmann, *Principles of Government*, pp. 253–54; Podlech, 'Die Herrschaftstheorie', p. 484.

¹¹¹ Bielefeldt, 'Von der päpstlichen Universalherrschaft', p. 90. See the similar judgement by Kantorowicz, *The King's Two Bodies*, p. 296; Renna, 'The *populus* in John of Paris' Theory'.

¹¹² See Schneidmüller, 'Konsensuale Herrschaft'.

¹¹³ *De potestate*, c. 12 (Leclercq, pp. 208–09; Bleienstein, pp. 128–30).

who may hold an office possessing rightful jurisdiction and whether a particular office holder had exceeded his powers or not. In the final analysis, divine law was more fundamental than human will.¹¹⁴ The pope and the people of the Church are granted only limited rights: in the case of the pope, it is the right to quasi-monarchical powers; in that of the people, it is the right to elect the pope and to prosecute him should he exceed these powers. So if we are to characterize John, it will *not* be as a medieval precursor of popular sovereignty; rather we should see him as the first medieval theologian to have put forward a comprehensive theory of consent — one that was to prove highly influential throughout the ensuing centuries.¹¹⁵

* * *

Investigation of the relationship between the commentary on the *Sentences* and *De potestate regia et papali* has shown that John overhauled, almost from the ground up, his theory of the Church's constitution. In the three instances we have looked at here, he reached entirely new positions: the pope is not unaccountable, nor does he possess a plenitude of power. There is no escaping the radical nature of John's ecclesiology. That said, we may wonder whether Tierney is right in reading John's accomplishments as but 'logical consequences' of the canonistic body of thought. John, after all, having first regurgitated the ecclesiological commonplaces of the thirteenth century, then proceeded, in *De potestate regia et papali*, to distance himself from this tradition. So it is only right that we should revisit and scrutinize Tierney's arguments closely.

Tierney basically makes two allegations: one is that John was building on Huguccio's approach, in which the pope can be tried for all manner of notorious crimes; the other is that John had taken over the corporatist theory of Henry of Segusio and was bent on systematically applying it to the Church as a whole and to the papal office in particular. In each of these cases, a revision of Tierney's stance is called for: true, he is right in saying that John was harking back to the earlier debate between the canonists and focusing again on the council's prerogatives in matters of faith. Yet John was only peripherally concerned with issues

¹¹⁴ This was the central claim of both Kern, *Gottesgnadentum und Widerstandsrecht*, p. 11, and McIlwain, *Constitutionalism*.

¹¹⁵ Oakley, *The Political Thought of Pierre d'Ailly*, pp. 49–51, 108, 121–22; Oakley, *Natural Law, Conciliarism and Consent*; Meyjes, *Jean Gerson et l'Assemblée de Vincennes*, p. 113. Further references to the reception in Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 154–55; Tierney, *Foundations of the Conciliar Theory*, p. 149; Miethke, 'Die Rolle der Bettelorden', p. 150.

of dogmatization; what detained him most, and what was at the very heart of his concern, was the jurisdictional primacy of the pope. Huguccio's gloss, which he knew from the *Glossa ordinaria*, served John merely as a canonistic fig-leaf for a thesis that was diametrically opposed to the principles of canon law. After all, the pope's jurisdiction rested on the same claim to a plenitude of power that John denied. As for the subtle canonistic debate on ecclesiastical corporations, at no point did John mention this. He considered the bishop as sole authority without pointing to the codetermination of the chapter, so dear to Henry of Segusio.¹¹⁶ Just how broad John's knowledge of thirteenth-century canon law was seems very much open to question, given that his writings display only a limited familiarity with Geoffrey's *Summa*.¹¹⁷

The one thing truly new in John is his theory of consent. For although the canon law for designating Church office holders assigned an important role to election and also linked election to bestowal of certain prerogatives, what was always required was confirmation by a superior before holders could assume the full dignity of office.¹¹⁸ Dismissal of bishops, prelates, and abbots was, in any case, the prerogative of those higher up in the Church hierarchy. When, therefore, John wrote that the pope, just like bishops and abbots, could be dismissed on grounds of unfitness for office by the community, he was breaking decisively with recognized canon law. Bishops could only be stripped of office by the pope;¹¹⁹ abbots could be deposed by the bishop of the responsible diocese, or by abbots of neighbouring monasteries of the same order, or by the pope.¹²⁰ To

¹¹⁶ 'non solum habet usum in bonis communitatis secundum exigentiam sui status modo praedicto, sed habet administrationem et dispensationem generalem omnium bonorum communitatis, approprians cuilibet quod ei debetur secundum debitam iustitiae proportionem, dispensans etiam pro communi bono collegii bona fide ut sibi videtur expedire': *De potestate*, c. 6 (Leclercq, p. 186; Bleienstein, p. 91). In this, he quotes Godfrey of Fontaines, *Les quodlibets onze-quatorze*, ed. by Hoffmans, *Quodlibet* XIII, q. 5 (I, 223), according to Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 35.

¹¹⁷ He quotes Henry of Segusio only via intermediary sources: Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 65–66; Tierney, *Foundations of the Conciliar Theory*, p. 148, n. 13.

¹¹⁸ Benson, *The Bishop-Elect*.

¹¹⁹ *Dictatus papae* 3, in Gregory VII, *Das Register*, ed. by Caspar, I, 202; x 1.7.2: Friedberg, *Corpus iuris canonici*, II, cols 97–98. Pennington, *Pope and Bishops*, pp. 75–114. See note 52 above.

¹²⁰ c. 18 q. 2 c. 9: Friedberg, *Corpus iuris canonici*, I, cols 831–32; c. 18 q. 2 c. 15: *ibid.*, I, col. 833; x 3.35.2–3: *ibid.*, II, cols 596–97; x 3.35.6–7: *ibid.*, II, cols 599–601. Baucher, 'Abbés'; Felten, 'Herrschaft des Abtes'.

be sure, the ruling that the pope could not be dismissed — except in the event of heresy — had logic on its side, as there was no one above him in the Church hierarchy to weigh the legality of such a step. When Brian Tierney accuses the canonists of inconsistency on this point,¹²¹ he is ignoring the medieval understanding of the Church's constitution, in which the right of dismissal was regularly vested in superiors.

John's originality emerges all the more starkly if we compare his stance with that of Giles of Rome in *De renunciatione pape*. Here too Tierney suggests that Giles was guilty of inconsistency and has advanced the thesis that John was only spelling out what was logically implicit in the work of Giles of Rome.¹²² But this will not do. Giles had excellent reasons for contending that, although the pope may be appointed to office by election, he cannot, except in the case of heresy or voluntary abdication, be removed from office. According to him, there was a fundamental distinction to be made between the election of a pope, who had no superior, and the election of a prelate, who did.¹²³ For all prelates, with the exception of the pope, dismissal was possible since a competent judge was available who could rule on applications made to that effect. Uniquely, the pope was not subordinate to any superior ecclesiastical authority, so to rebel against him was to raise the spectre of schism.¹²⁴ Giles was defending the eminently rational position that, because of the subtle provisions put in place for electing a pope, the risk of the pope proving unworthy was trumped by the real perils awaiting the Church if, following a papal dismissal, it has to act in a 'decapitated' condition. But papal sovereignty, for him, did not simply rest on this rational basis; God's law had also, by conferring the power of the keys on Peter, conferred for all time the plenitude of power on the pope. Giles and the canonists of the thirteenth century were of one mind: God's law as well as the law of reason underpinned the doctrine of papal sovereignty.¹²⁵

¹²¹ 'ill-founded': Tierney, *Foundations of the Conciliar Theory*, p. 136; 'serious source of embarrassment': *ibid.*, p. 221.

¹²² Tierney, *Foundations of the Conciliar Theory*, pp. 147–48.

¹²³ 'Dicemus ergo, quod negocium summi pontificis, qui non habet superiorem, non est simile cum negociis aliis': Giles of Rome, *De renunciatione pape*, ed. by Eastman, c. 24, p. 349.

¹²⁴ 'Sed si alie excepciones admitterentur, hoc esset in malum et in destruccionem ecclesie tales excepciones admittere, quia, cum non esset superior, qui iudicare posset, esset ecclesia acephala et sub magno periculo vacillaret': Giles of Rome, *De renunciatione pape*, ed. by Eastman, c. 23, p. 336. This argument continued to be used in the bull *Execrabilis* of Pius II: Becker, *Die Appellation vom Papst an ein allgemeines Konzil*, pp. 162–65.

¹²⁵ Giles of Rome, *De renunciatione pape*, ed. by Eastman, c. 11, p. 258.

Tierney's foremost merit has been to draw attention to the openness of canon law in the twelfth century and its gradual narrowing of focus during the thirteenth century.¹²⁶ Yet for all that, what these sources yielded was — at best — the supremacy of the council in matters of faith. This doctrine, though it can no doubt be characterized as conciliarism,¹²⁷ will not survive even a generous reading of *Haec sancta* (6 April 1415), the cornerstone of conciliarism.¹²⁸ It was *Haec sancta*, after all that established the council's primacy — and not just in matters of faith or in case of schism, but also in issues of Church reform affecting the rank and file. This very point was omitted from the public reading of *Haec sancta* by the canonist Francisco Zabarella, since, in his opinion, this provision was not covered by existing law.¹²⁹ However, whatever we make of the early canonistic teachings, we can be sure of one thing: canonists like Henry of Segusio, not to say Innocent IV and his papal successors in the fourteenth century, contributed nothing to conciliarism.¹³⁰ Between them and the vociferous critics of papal plenitude of power (chief among them John, Marsilius, and Ockham) there *is* no common denominator. The theory of ecclesiastical corporations, laid down so subtly by Henry, did not prove to be influential in the writings of John of Paris.

The rise of conciliarism should not therefore be seen — at least if we are trying to unravel John's role in the process — as a continuum; rather it displays a number of fault lines and about-turns. To be sure, the ecumenical councils of late antiquity had ensured that the canon law tradition would henceforth contain within itself a great deal of conciliar elements. And it was these elements that resulted, at a time when canon law was still in its infancy, in a debate

¹²⁶ Tierney, *Foundations of the Conciliar Theory*, pp. 81–88.

¹²⁷ The diffuse deployment of the concept is often bemoaned: Bubenheimer, 'Review: Remigius Bäumer, *Nachwirkungen*'; Franzen, 'The Council of Constance'; Walther, 'Konziliarismus als politische Theorie?.'

¹²⁸ Wohlmuth, *Dekrete der ökumenischen Konzilien*, II, 408. Research on *Haec sancta* is abundant: Tierney, "'Divided Sovereignty" at Constance'; Brandmüller, *Das Konzil von Konstanz*, pp. 237–59; Prügl, '*Antiquis iuribus*'; Oakley, *The Conciliarist Tradition*, pp. 81–99; Walther, 'Konziliarismus als politische Theorie?'; Decaluwe, 'Three Ways to Read the Constance Decree'.

¹²⁹ Finke, *Acta Concilii Constanciensis*, II, 28. Morrissey, 'The Decree "Haec Sancta"'. On this crucial event, see also Hofmann, *Repräsentation*, pp. 257–59; Schatz, *Allgemeine Konzilien*, pp. 217–18; Decaluwe, 'Three Ways to Read the Constance Decree', p. 135.

¹³⁰ See Watt, 'The Early Medieval Canonists'; Jürgen Miethke criticized this view as 'eine ins Absurde gesteigerte Übertreibung'; Miethke, 'Konziliarismus', p. 41.

unfolding over the respective legal standing of pope and council on matters of faith, a debate all the more vigorously pursued because positive law was itself *in statu nascendi*. The thirteenth century then saw a gradual narrowing of focus, in terms of both legislation and legal theory, in favour of centralism and a papal monarchy. But this trend did not go unchecked: as the fourteenth century got underway, a counter-current arose in which the council as representative corporation was construed as a regular office in its own right, independent of pope and papacy. And it is conciliarism of this kind, defined as a 'reaction to papal centralism and absolutism',¹³¹ that we first encounter in John of Paris.

When we turn back to our initial question and ask what provoked this rupture with tradition, the answer is quite obvious. John wanted to support the anti-papal policies of the French crown in its fight against papal supremacy. He even built a bridge to the Colonna cardinals a year before Nogaret established contacts in spring 1303. The emergence of new ideas of Church government can, then, be best explained by reference to the political and intellectual context of the conflict between Philip the Fair and Boniface VIII. Had the King not sought intellectual support against the claims of the Pope, John would not have recognized the need to revise his whole theory of the Church's constitution laid down in his commentary on the *Sentences*. John's *De potestate regia et papali* was a decisive step towards a powerful critique of papal power. This is the more surprising as John was a member of the Dominican order which, as dependent on papal privileges, came to see the pope as sole governor of the Church. In breaking with this point of view John drew on and developed pre-existent ideas about collective Church government inherent in the canon law tradition. However, the hallmark of his accomplishment rests in having entrenched these ideas in a new framework of a general theory of consent, giving them coherence and philosophical underpinning. The crisis of 'Church and state' turned out to be remarkably productive.

¹³¹ Black, 'What Was Conciliarism?', p. 215. In a similar vein, see Sieben, *Die Konzilsidee*, pp. 315–65.

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Part 4

Reception and Legacy

THE BRIDLE-MAKER AND THE POPE: THE USE OF CAUSALITY IN JOHN OF PARIS'S *DE POTESTATE REGIA ET PAPALI* AND IN THE EARLY *DE POTESTATE PAPAE* TREATISES

Lidia Lanza and Marco Toste*

The *De potestate regia et papali* emerges as a distinctive work in the literary genre of the *De potestate papae* on account of its conciliarist ideas and defence of the autonomy of lay political power with regard to papal power. For the most part the *De potestate papae* works of the fourteenth century uphold hierocratic positions; it is thus tempting to investigate both the immediate reaction and influence that John of Paris's treatise might have had within the earliest stages of the literary genre of the *De potestate papae*.¹

As Jean Leclercq showed in his lengthy introduction to the critical edition of the *De potestate regia et papali*, the bulk of the manuscripts that transmit this

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¹ On this literary genre, see Miethke, *De potestate papae*. The work is translated into Italian as Miethke, *Ai confini del potere*.

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work date from the late fourteenth or even fifteenth century.² The late date of the manuscripts suggests low demand for the *De potestate regia et papali* and that it was not widely known, or at least widely used in the fourteenth century. As fifteenth-century conciliarist authors such as Pierre d'Ailly and Jean Gerson drew on the *De potestate regia et papali*, we may assume that it was primarily used on account of its conciliarism.³ And while Leclercq provides evidence for the use of the *De potestate regia et papali* in later times, even in the sixteenth century, he is far more cautious regarding the issue of its possible use in the early fourteenth century.⁴ After Leclercq, negligible attention was paid to this question, though scholarship has brought the *De potestate regia et papali* closer to Peter of la Palud's *Tractatus de potestate papae*, composed in 1317,⁵ and to the early fourteenth-century canonist Johannes Andreae.⁶

This dearth of studies on the early reception of the *De potestate regia et papali* is understandable. Tracking the presence of this work in treatises composed shortly after its appearance is difficult for two reasons: first, all the *De potestate papae* works share many lines of reasoning and sources; secondly, the chronology has not yet been established for many of these works.

The homogeneity of this literary genre is partly due to the fact that its emergence is strictly connected to specific historical circumstances: the dispute between Pope Boniface VIII (r. 1294–1303) and King Philip IV of France (r. 1285–1314) and all the ensuing events. More importantly, it is the doctrinal patrimony — philosophical, historical, and juridical — shared by the authors of the *De potestate papae* works that led them to make use of the same *auctori-*

² Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 151.

³ Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 154–55. Leclercq indicates that Pierre d'Ailly reproduces a large section of the prologue and the whole of Chapters 6 and 7 of John of Paris's work (these two chapters were in turn a reproduction of Godfrey of Fontaines's *Quodlibet VIII*) in his *De ecclesiae auctoritate*. For John's influence over d'Ailly, see also Oakley, *The Political Thought of Pierre d'Ailly*, pp. 49–51; Oakley, 'Gerson and d'Ailly'.

⁴ Leclercq points to a significant feature of the early reception of John of Paris. His ideas were sometimes put forward by other authors, though with no reference to his name. By contrast, with the rise of Gallicanism, John of Paris became an authority; yet, while his name was often quoted, his work remained unread: Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, pp. 152–60.

⁵ Giancarlo Garfagnini has drawn attention to the numerous doctrinal parallels between the two works in Garfagnini, 'Una difficile eredità'. Jean Dunbabin has traced the use of John of Paris's work in Peter of la Palud's *De potestate papae* in Dunbabin, *A Hound of God*, pp. 79–81, 83; Dunbabin, 'Hervé de Nédellec'.

⁶ Tierney, *Foundations of the Conciliar Theory*, p. 149.

tates and to discuss the same topical arguments. Significant among these are the analogy of the two powers (papal and monarchical) with the sun and the moon (or with the soul and the body), the question regarding the validity of the *Donation of Constantine*, the analogy of the monstrosity of a body with two heads (which corresponds to the idea of Christendom with two independent powers), and the chronological precedence of one of the two powers over the other, which supports the claim for the supremacy or autonomy of one power with respect to the other.⁷ Without accurate evidence, it is difficult to establish a relative chronology for each of the works belonging to this genre: arguments advanced in one work might be a reply to an earlier work or merely a line of reasoning taken from a common *auctoritas*; moreover, some works reproduce, unacknowledged, entire sections from previous treatises or rely extensively on other works. Unsurprisingly, scholarly debate has long included a focus on the dating of specific works; for example, the *De potestate regia et papali* whose precise date remains contested.⁸

This homogeneity can be explained by the narrow span of time during which these works were written and, most significantly, by the doctrinal background of their authors. Although the authors made use of scriptural and conciliar authorities as well as testimonies from both sacred and secular history, their doctrinal apparatus was chiefly philosophical. They were theologians and hence trained in the disciplines of the curriculum of the University of Paris or of the mendicant *studia*, where some of them had been educated. Since the Arts Faculty, whose curriculum coincided almost exactly with the *Corpus Aristotelicum*, was preparatory for the higher faculty of Theology, it is unsurprising that the authors of the *De potestate papae* framed many of their arguments in Aristotelian terms,

⁷ The homogeneity of the *De potestate papae* genre has been highlighted in Kölmel, *Regimen Christianum*; McCready, 'Papalists and Antipapalists'. McCready, however, tends to assimilate the two opposing parts to an excessive extent, obliterating the differences.

⁸ Karl Ubl has challenged the traditional dating of this work. Instead of 1303, Ubl considers that the first draft dates from earlier than April 1302. In this view, the *De potestate regia et papali* was not a reaction to the bull *Unam sanctam* and to Giles of Rome's *De ecclesiastica potestate*, but a work written at an initial stage of the conflict between the French King and the pontiff: Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie' (this article has been translated into Spanish: Ubl, 'El itinerario de Juan Quidort'). By contrast, Helmuth Walther has argued that Ubl does not provide enough evidence for the dating of 1302: Walther, 'Aegidius Romanus und Jakob von Viterbo'; see also Miethke, *De potestate papae*, pp. 118–21. It would exceed the scope of this article to re-examine the question, but as we shall illustrate throughout this paper, we consider it probable that Giles of Rome and James of Viterbo wrote their treatises after the composition of the *De potestate regia et papali*.

often drawing on the works of Aristotle. The university supplied these authors not only with philosophical content but also with a precise methodology. In effect, the *De potestate papae* works owe a great deal to the scholastic method, as some of them are arranged as a scholastic *quaestio disputata*, in which the master provides arguments for and against his position before replying in turn to each of the arguments. This also occurs in the *De potestate regia et papali*.

Arguably, one of the most significant features of the *De potestate papae* works is that their authors were theologians. With the rise of the conflict between Boniface VIII and Philip IV, for the first time theologians, or rather professors of theology, and not only professors of canon law, began to write about contemporary political affairs. Their training was not in political science, which was not taught in medieval universities as such, but in theology, which depended heavily on Aristotelian philosophy.⁹ Obviously, they relied on other authors, such as Pseudo-Dionysius,¹⁰ Hugh of Saint-Victor, or Augustine, but their language, though not necessarily their doctrine, was to a great extent Aristotelian.¹¹

This can be supported by the fact that many *De potestate papae* works employ Aristotle's scheme of the four causes (efficient, formal, material, and final cause) in their lines of reasoning. John of Paris is no exception, and the four causes are absolutely central to his work. One of his main arguments to refute the subordination of temporal to spiritual power in temporal affairs is that the final cause of the former cannot be subsumed into that of the latter. The use of this argument is significant for an appreciation of how Aristotle might be used outside an Aristotelian context.

When using Aristotle, a medieval author did not necessarily endorse Aristotle's views. Opposing authors could draw differently on Aristotle. Although medieval scholars took arguments and approaches from Aristotle, they did so in order to build up their own lines of reasoning. The expression coined by Gianfranco Fioravanti fits the case perfectly: medieval political authors regarded the *Politics* as a 'reservoir of arguments' to draw from and not as a set of theories to be followed.¹²

The same is true of Aristotle's doctrine of causality, which is a cornerstone in the argumentative structure of the *De potestate papae* works. It was used by both

⁹ On this, see also Miethke, 'Practical Intentions of Scholasticism'.

¹⁰ See Luscombe, 'Hierarchy in the Late Middle Ages', where the author pulls together his previous articles on this subject; Miethke, 'Pseudo-Dionysius Areopagita'.

¹¹ Obviously, this did not exclude their extensive use of ideas taken from canon law and the importance of biblical exegesis to support some theses.

¹² Fioravanti, 'La *Politica* aristotelica nel Medioevo' (French translation: Fioravanti, 'La réception de la *Politique* d'Aristote'). See also Lambertini, 'La diffusione della *Politica*'.

hierocrats and their opponents to discuss the hierarchical relationship between temporal and spiritual powers.¹³ However, as yet no study has focused on how a specific Aristotelian thesis might have been used in medieval political treatises. Accordingly, the present paper aims to investigate how an Aristotelian principle, the four causes, was employed within a specific corpus, the *De potestate papae* works.¹⁴ As the four causes are central to both John of Paris and his opponents, the study of the four causes in other *De potestate papae* works can shed light on the early reception of the *De potestate regia et papali*, to clarify whether it was refuted, followed, or just ignored.

Causality: From Aristotle to the De potestate papae Genre

The use of causation in a political work was not a new development brought about by the *De potestate papae* genre. The translation of Aristotle's *Politics* into Latin some decades earlier had, to some degree, suggested an approach to political phenomena in these terms; yet, it was not so much Aristotle's text itself which provided medieval authors with an account of the commonwealth in terms of causality, since Aristotle never explicitly employs the four causes in the *Politics*, but rather the medieval commentary tradition on the *Politics*.

The explanation for the fact that medieval commentators and later the authors of the *De potestate papae* employed the four causes with reference to political matters lies arguably in the emphasis given to logic, metaphysics, and natural philosophy in the curriculum of the medieval Arts Faculty.¹⁵ Moreover, the *Politics* was unlike many other Aristotelian texts, inasmuch as its translation into Latin was not accompanied by the translation of Greek, Arab, or Byzantine commentaries that might assist in its interpretation. As a result, it is likely that

¹³ Of course, the four causes scheme was not exclusive to the *De potestate papae* genre; medieval jurists made use of it. However, while the theologians structured their *De potestate papae* on the Aristotelian causes, principally on the final and efficient causes, the jurists referred to one of the causes in order to support one line of reasoning. This is because for medieval jurists the four causes were one among many argumentative *topoi*. This is attested by the medieval juridical manuals of rhetorical *topoi* which are edited in Caprioli, '*Modi arguendi*'. See the *topoi* based on causality in Raynerius of Forlì's work: *ibid.*, pp. 83–89.

¹⁴ Francisco Bertelloni has studied the use of causality in medieval political thought, but with a different approach to ours. Among his numerous papers on the topic, see Bertelloni, '*Anwendung von Kausalitätstheorien*'.

¹⁵ For the curricula of the faculties of arts in the Middle Ages, see Lorenz, '*Libri ordinarie legendi*'.

a medieval university master would have approached the *Politics* with philosophical tools taken from other fields: medieval commentators read the *Politics* employing concepts from Aristotelian natural philosophy and metaphysics.¹⁶

It was Peter of Auvergne, more than any other commentator, who dealt most extensively with political matters in terms of causality and Aristotelian natural philosophy. In his two commentaries on the *Politics*, dating from the last quarter of the thirteenth century,¹⁷ Peter conceives every political organization as a compound of matter and form. The material cause of the commonwealth is identified with the citizens that constitute the city, while the formal cause is the political regime applied to the body of citizens. For Peter, the matter and the form have to be attuned, as it is not possible to apply every form to each sort of matter; the best political form can only be applied to a body of citizens with a high degree of moral virtue.¹⁸ More importantly, Peter associates the final cause of the commonwealth with political happiness, which is achieved through virtuous actions, and the efficient cause to political friendship, which is understood as a mutual relationship between citizens entailing agreement to the main goals of the polity.¹⁹

¹⁶ On this, see Flüeler, 'Ontologie und Politik'.

¹⁷ Peter of Auvergne is the author of the *Scriptum super III–VIII libros Politicorum*, which was composed to complement Aquinas's unfinished commentary, and of the *Questiones super I–VIII Politicorum*. Lidia Lanza is currently preparing a critical edition of the *Scriptum*, while Marco Toste is preparing an edition of the *Questiones*. In the following notes, we quote from our editions, indicating the main manuscripts.

¹⁸ 'Dicendum quod legislatorem oportet inspicere ad finem communem ultimum. Non tamen omnino inspicit ad finem illum simpliciter et absolute, sed secundum quod applicabilis est eis que ordinantur in finem communem, quia finis est principium operabilium eis que ordinantur in finem, et ideo oportet ut proportionetur illis, sicut uidetur in natura quod natura non semper intendit quod melius est, sed quod possibilis; unde natura in materia musce non inducit formam humanam, sed illius quod est possibilis et proportionalius tali materie. Similiter in agilibus legislator, in constituendo legem, inspicit ad finem optimum non absolute, sed optimum istis: nam aliter princeps ordinatur in finem et aliter seruus, et ideo, ad considerandum illam proportionem, oportet legislatorem inspicere ad dispositionem hominum, non omnium, sed hominum existentium in illa regione': Peter of Auvergne, *Questiones super I–VII libros Politicorum*, II, q. 10, BnF, MS lat. 16089, fol. 287^{ra}.

¹⁹ 'bene dictum est quod communicatio loci non est ciuitas, sed communicatio bene uiuendi, composita ex domibus et diuersis generibus gratia uite perfecte et per se sufficientis est ciuitas. Et per hoc quod dicit "communicatio bene uiuendi" innuit causam formalem; per hoc quod dicit "composita ex domibus" tangit causam materialem propinquam; per hoc quod dicit "ex diuersis generibus" tangit causas materiales remotas; per hoc quod dicit "gratia uite perfecte etc." tangit causam finalem. Sed hec non contingunt esse nisi habitantibus eundem

For Peter, following Aristotle, living together with others in the same place is not enough for a political life; what is necessary is a voluntary decision and agreement over that association. Man has a predisposition to associate by nature, but this disposition has to be actualized by man's will. Accordingly the constitution of a community implies consensus.²⁰ We can thus understand why political friendship is the efficient cause of the commonwealth; it permits its constitution and preservation.

The efficient cause of the polity is thus utterly internal to the commonwealth.²¹ This is valid for all the four causes, as none of them exceeds the range of politics. In Peter of Auvergne's commentaries, all the four causes remain within the boundaries of human nature: the end of the political community is achieved through means which are exclusively human. In the *De potestate papae* works the issue concerns the relationship between two distinct ends of which one is otherworldly, but in the commentary tradition on the *Politics*, the commentators restrict themselves to consideration of what can be addressed by philosophy, leaving everything else aside.²²

This limitation was not imposed on theologians; when they began to write *De potestate papae* works, the four causes scheme continued to be central, but its application changed profoundly. In these treatises, the four causes were no longer used exclusively to explain the constitution and preservation of the commonwealth, but rather to establish the hierarchical relationship between the *potestas temporalis* and the *potestas spiritualis*. What changed was the context and perspective in which the four causes were employed. They came to be used in a discussion about political power in which God and the pope were two of the main references.

locum et nisi coniungantur secundum connubia, et propter hoc in ciuitate fiunt affectiones amicitie factiue et conseruatiue et confraternitates [...] Et ratio huius est quia amicitia multum necessaria est in ciuitate: amicitia enim eligitur propter conuiuere; sine autem conuiuere non est ciuitas; quare amicitia necessaria est ad ciuitatem': Peter of Auvergne, *Scriptum super libros III–VIII Politicorum*, III, c. 7, BAV, MS Vat. lat. 777, fol. 51^{ra–b}.

²⁰ See Toste, 'The Naturalness of Human Association'.

²¹ This invalidates Fioravanti's assertion that the efficient cause is missing in the Aristotelian account of the commonwealth: cf. Fioravanti, 'La *Politica* aristotelica nel Medioevo', p. 27.

²² On the medieval approach to Aristotle's texts in strictly philosophical terms and its relation to the institutional setting of the Arts Faculty of Paris, where the masters could not approach an issue in theological terms, see Bianchi, 'Loquens ut naturalis'; Bianchi, *Censure et liberté intellectuelle*.

Interestingly, the first theological text to have employed the four causes scheme to support the supremacy of spiritual over temporal power is not a *De potestate papae* treatise, though it influenced later works belonging to this genre. In a quodlibetal question dating from 1293 concerning whether a pope may absolve a usurer even though he does not return the interest he has collected, the Augustinian James of Viterbo engages in a discussion on papal jurisdiction regarding temporal goods. James contends that a pope is superior to a temporal ruler(s) in terms of both dignity and causality and, accordingly, that he holds both the spiritual and the temporal power.²³

James advances two arguments based on causality, the first in terms of efficient cause and the second based on final cause. First, he establishes a parallel between the body-soul dichotomy and that of temporal and spiritual powers. Drawing on the principle that anything that is corporeal is moved by what is spiritual, and giving as an example the heavenly bodies, which are moved (*amministrantur*) by the angels, James determines that the temporal is causally dependent upon the spiritual. Moreover, based on Hugh of Saint-Victor's *De Sacramentis*, James argues that while the body is dependent on the soul, the soul in turn depends on God. This means that the corporeal does not derive directly from God; as a result, the spiritual (power) is always intermediate between God and what is corporeal, that is, temporal.²⁴ Second, James puts forward a hierarchy of ends, providing a suggestive argument: just as with crafts, the craft that aims at the highest end is superordinate to the craft which aims at secondary ends, so too in the case of powers the power that seeks the highest end has precedence over the power pursuing an inferior end. Now, although both powers are directed to encourage their subjects to live according to virtue, the temporal power nurtures the moral virtues and the happiness that man can achieve

²³ In the quodlibetal question, James deals first with the issue from the point of view of dignity and then in terms of causality. Here, however, for the sake of clarity, we prefer to invert the order of the arguments.

²⁴ 'Quod autem sit superior causalitate, quia videlicet a spirituali potestate dependet temporalis, sicut a causa, dupliciter patet. Primo enim hoc apparere potest ex ordine rerum. Sic enim videmus in rebus, quod corporalia reguntur per spiritualia, et ab ipsis dependent sicut a causa. Quod quidem considerari potest et in diversis, nam corpora coelestia per angelos amministrantur; et in eodem, ut in homine, in quo anima corpus regit et movet [...] Hanc autem rationem tangit Hugo a Sancto Victore, in Libro II De Sacramentis, parte II capitulo 4, ubi distinguit duas vitas, scilicet corporalem, qua corpus vivit ex anima, et spiritualem, qua anima vivit ex Deo': James of Viterbo, *Disputatio prima de quolibet*, ed. by Ypma, p. 209, lines 58–64, 67–70.

through his nature, while the spiritual power aims at eternal beatitude, which man can attain only with supernatural help.²⁵

To justify the supremacy of the spiritual power in both dignity and causality, James appeals to Pseudo-Dionysius the Areopagite's assertion that what exists in the effects has to pre-exist in the causes.²⁶ As James asserts, it is commonly accepted that the spiritual power has a higher dignity than the temporal power. Pseudo-Dionysius's principle implies that what is specific to the temporal power has to pre-exist in the spiritual, this because the spiritual is the cause of the temporal. In this view, the temporal power is merely an effect. God is the effective cause of both spiritual and temporal power, though the pope derives his power immediately from God, while the secular ruler has his power from God through the mediation of the pope.²⁷

It is likely that it was James of Viterbo who framed the ensuing debate on the relationship between the two powers, at least to some extent. This is suggested by two facts: first, those theologians contemporaneous to James who debated the same issue in quodlibetal questions, such as Henry of Ghent and Peter John Olivi, do not advance arguments based on causality,²⁸ so that this may be a sign

²⁵ 'Secundo potest idem ostendi ex ordine finium. Sic enim videmus in artibus ordinatis quod ars, ad quam pertinet ultimus et principalis finis, imperat aliis artibus, ad quas pertinent fines secundarii. Potestates autem praedictae sunt velut artes quaedam, immo regimen subiectorum, et maxime quantum ad animam, est ars artium. Finis autem, quem [ed.: quam] intendere debet tam saecularis quam spiritualis potestas, est bonum multitudinis, quod principaliter consistit in hoc, quod est vivere secundum virtutem. In operatione namque virtutis consistit felicitas, quae est perfectum et finale bonum. Differenter tamen intendit bonum multitudinis potestas saecularis et spiritualis. Saecularis enim potestas intendit bonum multitudinis, ad quod pervenire potest virtute naturae et illa quae ad hoc bonum adminiculantur. Potestas autem spiritualis intendit bonum multitudinis supernaturale, scilicet aeternam beatitudinem': James of Viterbo, *Disputatio prima de quolibet*, ed. by Ypma, pp. 209–10, lines 85–98.

²⁶ 'spiritualis potestas temporali superior est, non solum dignitate, sed etiam causalitate. Sed "quae sunt causatorum praesunt causis", sicut Dionysius dicit, *De Divinis Nominibus*. Igitur oportet potestatem temporalem in Ecclesia residere apud illum, qui est summus et universalis Ecclesiae praelatus': James of Viterbo, *Disputatio prima de quolibet*, ed. by Ypma, p. 208, lines 49–53.

²⁷ 'Et sic patet quod, cum potestas spiritualis etiam causalitate sit superior saeculari, quod autem invenitur in causato praexistit eminentius in causa, ipsa potestas spiritualis praehabet excellentius iurisdictionem et potestatem temporalem. Ita quod papa utramque potestatem habet a Deo immediate, princeps vero saecularis habet a Deo mediante papa': James of Viterbo, *Disputatio prima de quolibet*, ed. by Ypma, p. 211, lines 123–26. This same argument is later found in William of Sarzano, *De potestate summi pontificis*, p. 1090.

²⁸ See Henry of Ghent, *Quodlibet vi*, ed. by Wilson, q. 23, pp. 210–22; Olivi, *Quodlibeta*

of James's distinctive approach to the question; secondly, James's quodlibetal question is used and refuted by John of Paris in his *De potestate regia et papali* and is one of the main targets of this work.²⁹

Efficient Causation

In Chapter 11 of the *De potestate regia et papali* John of Paris lists the arguments favourable to the thesis that the pope has jurisdiction *in temporalibus*. Here we focus on the twentieth, the twenty-first, and the twenty-third arguments.³⁰ John of Paris's wording when presenting these three arguments is extremely similar to the words used by James of Viterbo in his quodlibetal question and is obviously a reproduction of part of it.³¹ The twentieth and the twenty-first arguments correspond to James's reasoning based on the analogy of the two powers with the body-soul pairing, while the twenty-third matches James's argument based on the final cause and the hierarchy of ends.

In his reply to both the twentieth and the twenty-first arguments, John refutes one of the main topical arguments used by hierocratic authors, even after the composition of the *De potestate regia et papali*: the analogy of the dichotomy between temporal and spiritual powers to the relationship between body and the soul, in which in each case there is a causal dependence of the former upon the latter. For John, this equivalence is fallacious because it presupposes that temporal power is corporeal and concerns the bodies and not the souls of its subjects; following Aristotle, John underlines that the final cause of political power is to lead the subjects to live according to virtue. Obviously, moral virtue is not a bodily good. Here the authority of Aristotle is the cornerstone of the argument: drawing on the *Nicomachean Ethics*, John claims that the legislator is superior to the physician reasoning that the legislator is concerned with

Quinque, ed. by Defrai, qq. 9, 18, pp. 28–30, 64–75. See, however, the section of this paper devoted to the final cause, where we show that Henry of Ghent makes use of an argument related to the final cause.

²⁹ The presence of James of Viterbo's quodlibetal question in the *De potestate regia et papali* has been highlighted in two studies: Ubl and Vinx, 'Kirche, Arbeit und Eigentum', especially pp. 327–29; Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', p. 55.

³⁰ *De potestate*, c. 11 (Leclercq, pp. 203–04, lines 29–41, 1–12; Bleienstein, pp. 120–21, lines 21–29, 1–19).

³¹ Karl Ubl has already pointed out that here John is drawing on James's question: Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', p. 55.

the soul, which is superior to the body, the focus of the physician.³² John thus ascribes to temporal power a dimension which is not exclusively corporeal. In doing so, he excludes the argument that only papal power is concerned with man's soul.

It is true that in his quodlibetal question, James of Viterbo states that the aim of both powers is for men to live according to virtue and achieve happiness, and of course neither virtue nor happiness is corporeal. But aligning the relationship between the two powers, both of which have a spiritual dimension, with the pairing of body and soul leaves James's analogy open to rebuttal. In any event it is clear that John distorts James's argument.

It is thus unsurprising that in his *De regimine christiano*, written around 1302, James extends his thoughts on this issue, presenting them in a way that is reminiscent of John's criticism. Instead of simply contrasting the two powers, James identifies the differences and similarities between them. For this purpose, he distinguishes between two meanings of the term 'spiritual': spiritual may denote what belongs to the soul and principally to its higher part, the intellect, and in this sense spiritual is opposed to corporeal. According to this meaning, sciences and virtues can somehow be said to be spiritual things. Because of this, James of Viterbo rejects the view according to which the authority of the Church's prelates is spiritual while secular power is corporeal, maintaining, like

³² 'Quod arguitur vigesimo, quod corporalia reguntur per spiritualia et ab ipsis dependent ut a causa, respondeo: argumentum ut sic factum multipliciter deficit. Primo quia supponit quod potestas regalis sit corporalis et non spiritualis, et quod habeat curam corporum et non animarum, quod falsum est cum, ut dictum est supra, ordinetur ad bonum commune civium non quodcumque, sed quod est vivere secundum virtutem, unde dicit Philosophus in *Ethicis* quod intentio legislatoris est homines facere bonos et inducere ad virtutem, et in *Politicis* dicit quod, sicut anima melior est corpore, sic legislator melior est medico, quia legislator habet curam animarum, medicus corporum': *De potestate*, c. 17 (Leclercq, p. 225, lines 26–34; Bleienstein, p. 157, lines 5–15). In the two critical editions of the *De potestate* the editors identify the quotation from the *Nicomachean Ethics* in this passage with bk. II, c. 1, 1103b3 of the *Ethics* (see Leclercq, p. 225; Bleienstein, p. 299). Although the statement that the lawgiver's wish is to make the citizens good can indeed be found in this chapter of the *Ethics*, in truth John of Paris had in mind Chapter 13 of the first book, where Aristotle states the same idea (the legislator 'vult enim cives bonos facere', 1102a9) and, more importantly, the last sentence of John's passage in this footnote, that is, that the legislator is superior to the physician, since the subject-matter of his science is the soul. In the Latin translation known as *recensio recognita* the sentence runs as follows: 'Si autem hec ita habent, manifestum quoniam oportet politicum scire aliquialiter que circa animam, quemadmodum et eum qui oculos curat et omne corpus, et magis quanto honorabilior et melior politia medicinali', Aristotle, *Ethica Nicomachea (Recensio Recognita)*, ed. by Gauthier, p. 393, lines 10–12.

John of Paris, that the temporal power's main purpose is to encourage its subjects to live a virtuous life, whose end is happiness, which is achieved through the activity of the soul. James concludes that the secular power has to be understood as spiritual, since virtue pertains to the soul, which is obviously spiritual. For James, we can only describe the temporal power as corporeal in a secondary sense (*ex consequenti*). This is because, and here James draws on the *Ethics*, its end (political happiness) requires more external goods than the end of spiritual power.³³

Although John of Paris and James of Viterbo are on opposing sides in the *De potestate papae* debate, they share this characterization of temporal power. However, for James, this characterization alone does not lead to John's conclusion. For John there can be no relationship between the two powers comparable to that of the body with the soul, because both powers have a spiritual end. James agrees with this assertion, but for him the relationship between the two powers remains one of the subordination of the secular (or earthly) to the spiritual (or heavenly).

In addition to James of Viterbo, Giles of Rome also tackles the validity of this parallelism. He does so in a detailed way in his sermon *De potentia domini papae*, which condenses the main principles of the hierocratic side.³⁴ In the ser-

³³ 'spirituale dicitur dupliciter. Vno enim modo spirituale dicitur id quod pertinet ad animam, que spiritualis est nature, et precipue quantum ad partem rationalem; et hoc modo scientie et uirtutes dicuntur spiritualia quedam. Huic autem spirituali contradicitur corporale, quod scilicet pertinet ad corpus [...]. Et sic dicunt quidam quod potestas prelatorum ecclesie spiritualis dicitur, quia est super animas et super ea que ad perfectionem anime pertinent; potestas autem principum secularium dicitur corporalis, quia est super corporalia et super ea que pertinent ad corpus. Sed hoc dictum habet dubium. Nam secularis potestas, si recta et ordinata sit, intendit principaliter et finaliter subditos dirigere et inducere ad uitam uirtuosam, que principaliter ad animam pertinet. Id enim debet intendere omnis recta potestas in hominibus ad quod homo finaliter ordinatur. Finis autem hominis, in quantum homo, est felicitas. Vnde omnis potestas recta debet intendere ut multitudo sibi subiecta sit felix. Felicitas autem hominis consistit principaliter in actu uirtutis; quare ad officium huius potestatis pertinet dirigere homines in hunc finem. Verum, quia ad felicitatem, et precipue politicam, requiruntur exteriora bona, que uite corporali deseruiunt, ideo conuenienter ad eius officium spectat gubernatio quantum ad res exteriores et quantum ad corporalia, sine quibus non exercentur anime opera in huius uite statu. Secundum hoc ergo uidetur quod secularis potestas principaliter debeat dici spiritualis, accipiendo spirituale modo predicto, cum uita uirtuosa pertineat ad animam, que spiritualis est. Ex consequenti autem potest dici corporalis': James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 6, pp. 198–201. The first critical edition of James's *Tractatus* is found in James of Viterbo, *Le plus ancien traité de l'Église*, ed. by Arquillière. For the *Ethics* see bk. I, c. 8, 1099a31–b7 and principally bk. x, c. 8, 1178a23–b7 and 1178b33–35.

³⁴ It was Karl Ubl who first indicated that Giles's approach to the parallelism between the

mon Giles argues that even though we may ascribe a spiritual dimension to the end of political life, this alone does not invalidate the subordination of the temporal power to the spiritual power. Only the latter holds the *gladium spirituale*, which is the necessary equipment for the achievement of the truly spiritual end; in fact, only the spiritual power has the means to impose spiritual punishments, such as excommunication, while temporal power can inflict only material punishments, which are inappropriate when applied to a spiritual end.³⁵

In his *De ecclesiastica potestate*, Giles employs a further analogy to block John's argument, echoing a passage from Aristotle's *Politics*:³⁶ although the material sword may have an impact on spiritual matters, since it induces men to be virtuous, it does so in the manner of a servant (*modo famulativo*), while the spiritual sword does so by way of lordly dominance (*modo dominativo*).³⁷

two powers and the relationship between body and soul reveals that Giles is probably replying to John: Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', p. 68.

³⁵ The sermon is edited and analysed in Giles of Rome, 'De potentia domini papae', ed. by Luna; for the passage under analysis here, see pp. 229–30, lines 160–68, 172–75: 'Quod si dicatur quod etiam temporalis dominus institutus est ad salutem animarum, quia intentio legislatoris esse debet cives inducere ad virtutes, in quibus consistit salus anime, dicemus quod dominus temporalis non habet nisi materialem gladium et non potest inferre nisi materiales penas; finis tamen eius debet esse spiritualis, quia debet intendere spiritualem finem; gladius tamen eius et potentia est materialis. Ex hoc autem magis propositum nostrum confirmatur, quia ex quo in huiusmodi gladio debet esse intentus spiritualis finis, certum est talem gladium reduci et sub spirituali gladio esse [...]. Dicamus itaque quod est ecclesiasticus gladius sic spiritualis, quia potest excommunicare et inferre spirituales penas et potest animam separare a communione ecclesie, secularis autem gladius sic corporalis, <quia potest inferre penas corporales>'. Here we follow Concetta Luna, who, though she leaves the question open, tends to consider the sermon to have been composed earlier than the *De ecclesiastica potestate*: *ibid.*, pp. 197–99; see also Lambertini, 'Il sermo De potestate' and Miethke, 'Review: Giles of Rome's On Ecclesiastical Power'.

³⁶ Compare with Aristotle, *Politicorum libri octo*, ed. by Susemihl, 1.5, 1254b4–5, p. 18. This sentence is not quoted as a possible source for the *De ecclesiastica potestate* in the two critical editions. For the debate concerning the relationship between Giles's tract and John's *De potestate*, see the essay by Koch in this volume, particularly note 15.

³⁷ 'Sed dices quod tam spiritualis gladius quam temporalis intromittet se de utroque, de spiritualibus et temporalibus, cum ex anima et corpore fiat unum, et cum agens de uno oportet quod agat de alio et converso. Ad quod dici potest quod materialis gladius intromittere habet se de iniusto, et inducet homines ad virtutes, et intromittet se de iis que sunt anime. Sed hoc erit modo famulativo, quia corpus comparatur ad animam tamquam id quod debet anime famulari. Et spiritualis gladius intromittet se de corporalibus non modo famulativo, sed dominativo, quia spiritus corporalibus dominatur': Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 10, pp. 176–77. This work was first edited in Giles of Rome, *De ecclesiastica potestate*, ed. by Scholz.

John's argument is not found in the anonymous *Quaestio in utramque partem*, a tract written in the spring of 1302,³⁸ and that shares many of John of Paris's positions.³⁹ The author of the *Quaestio* applies the body-soul analogy to the two powers and finds that the range of temporal power, its end, and the means it has to guarantee that end (the right to punish the transgressors) are exclusively corporeal. But, unlike Giles of Rome, the author of the *Quaestio* insists on this point, revealing his belief that this is required in order to guarantee each of the powers its own specific sphere. For the *Quaestio*'s author, any confusion between spiritual and temporal would compromise the autonomy of the temporal power.⁴⁰

The *Quaestio* was long regarded as a source of the *De potestate regia et papali*, but Karl Ubl has more recently dismissed this view, reversing the dependence between the two texts.⁴¹ Yet, as we have seen, John refuses to employ the body-soul analogy in the debate. If we admit, with Ubl, that the *Quaestio* draws on the *De potestate regia et papali*, then it is quite hard to explain why its author parted ways with John on this crucial point. Thus it seems safer to assume that, whatever the direction of the influence, one author might have drawn on the other in some points but not necessarily in all.⁴²

John of Paris calls into question more directly the presumed relationship between temporal and spiritual power in terms of efficient causality. For John,

³⁸ Anonymous, *Quaestio disputata in utramque partem*, ed. and trans. by Dyson, pp. xxviii–xxxiii. See also Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', p. 65, and Scholz, *Die Publizistik*, pp. 224–25.

³⁹ See Anonymous, *Quaestio disputata in utramque partem*, ed. and trans. by Dyson. The question regarding its authorship has been pursued, to use Dyson's own words, 'long and fruitlessly'; on this, see *ibid.*, p. xxix.

⁴⁰ 'declarandum est quod istae duae potestates sunt distinctae et ad invicem separatae. Cum enim homo constet ex duobus, corpore scilicet et anima, et duplex sit vita, corporalis et spiritualis, propter corporalem vitam conservandam homo temporalibus indiget, propter spirituales spiritualibus opus habet. Imperatores et reges potestatem habent super corpora et res corporales ad vitam corpoream pertinentes. Possunt enim et debent corporali poena punire reos et legum imperialium transgressores [...]. Pontifices autem spirituales iurisdictionem habent in iis quae ad regimen et salutem pertinent animarum': Anonymous, *Quaestio disputata in utramque partem*, ed. and trans. by Dyson, p. 66.

⁴¹ Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie', pp. 53–54. Ubl provides a survey of the positions of Richard Scholz, Jean Rivi re, and Jean Leclercq in this regard.

⁴² That John of Paris and the *Quaestio*'s author could work independently of each other is argued by Mario Conetti, though with respect to the issue of the *Donation of Constantine*: Conetti, 'In margine alla *Quaestio*'.

the relationship between the two powers is not one of efficient cause, in which the spiritual would be the cause of the temporal; on the contrary, both powers derive immediately from God. Again, John does not reject the superiority in dignity of the spiritual over the temporal power, a thesis, as John concedes, that was commonly admitted on the grounds of the superiority of the spiritual power's final cause.⁴³ The point for John is that this superiority cannot turn into an absolute superiority (*simpliciter*) with regard to all domains. In spite of its inferiority, secular power is superior to spiritual power in temporal matters, and in these matters it is not dependent upon the spiritual, since it is not derived from it. Spiritual power holds the right to intervene in the field of temporal authority but only with respect to spiritual matters. Since there is no relationship of efficient causality between the two forms of authority (one has not been caused by the other), John concludes that any incursion of one authority into the sphere of the other is inadmissible.⁴⁴

The supremacy of the spiritual authority thus remains intact but is restricted to the spiritual domain. The pope can only claim his right to direct a king with regard to faith but not political matters. In a household, the teacher of letters or morals, who has a spiritual role, does not appoint (*instituire*) the physician; both the teacher and the physician are appointed by the head of the household. The teacher cannot direct the physician in medical matters, but only with reference to moral or literary subjects for the purpose of making him chaste or educated.⁴⁵

⁴³ 'illud ad quod pertinet ultimus finis, perfectius est et melius et dirigit illud ad quod pertinet inferior finis. Regnum vero est ordinatum ad hoc ut multitudo congregata vivat secundum virtutem [...] et hoc ordinatur ulterius ad altiore finem qui est Dei fruitio, cuius directionis cura credita est Christo cuius vicarii et ministri sunt sacerdotes. Et ideo dignior est sacerdotalis potestas saeculari potestate, et hoc conceditur communiter': *De potestate*, c. 5 (Leclercq, pp. 182–84, lines 35–37, 1–4; Bleienstein, pp. 87–88, lines 19–23, 1–2).

⁴⁴ 'Nec tamen, si principe maior est sacerdos dignitate, et simpliciter oportet quod sit maior eo in omnibus [...]. Et ideo potestas saecularis in aliquibus maior est potestate spirituali, scilicet in temporalibus, nec quoad hoc est ei subiecta in aliquo, quia ab illa non oritur, sed ambae oriuntur ab una suprema potestate, scilicet divina, immediate, propter quod inferior non est subiecta superiori in omnibus, sed in his solum, in quibus suprema supposuit eam maiori': *De potestate*, c. 5 (Leclercq, p. 184, lines 15–16, 21–25; Bleienstein, p. 88, lines 14–15, 21–26). We have changed the punctuation slightly.

⁴⁵ *De potestate*, c. 17 (Leclercq, pp. 225–26, lines 36–39, 1–3; Bleienstein, p. 157, lines 17–24). John does not quote any text in support of this, but the example is clearly taken from Aquinas's commentary on Aristotle's *Ethics*. In Chapter 2 of the first book, Aristotle establishes politics as the architectonical science, since politics ordains which sciences should be studied in the community (1094a27–b1). Commenting on this passage Aquinas explains that political science commands all the other sciences with regard to their use, though not their content.

John's main purpose is to deny that spiritual power can be considered as the efficient cause of temporal power. For this reason, he dissociates the act of instituting or creating something from the act of directing it. In doing so, John reverses James of Viterbo's example: just as the angels move the heavens, though they did not create the celestial bodies, so the pope may direct and instruct a king but not institute him.⁴⁶ As a result, and since the two powers are caused directly by God, the temporal ruler is subject to the pope not *simpliciter*, but only *per accidens*, that is, insofar as the ruler is required to be a devoted Christian.⁴⁷

In support of the thesis of a causal dependence of the temporal on the spiritual authority, hierocratic authors drew on Hugh of Saint-Victor's assertion according to which temporal power is instituted and can be judged by the spiritual power, which in turn is instituted by God and hence can be judged by God alone, since, as I Corinthians tells us, 'the spiritual man judgeth all things and he himself is judged of no man'.⁴⁸ This argument was strengthened by the historical fact that the consecration of kings was made by a representative of God. But for John of Paris the consecration or unction of a temporal ruler by the spiritual authority does not mean that the former came to power by virtue of the latter; by consecrating a secular ruler, the spiritual authority simply ratifies publicly a ruler who has already been elected: this act is not *de necessitate regiae potestatis*.⁴⁹

Politics can determine how geometry can be used but cannot establish the characteristics of a triangle: Aquinas, *Sententia libri Ethicorum*, p. 9, lines 128–32, 134–44. This dependence upon Aquinas is not indicated in the critical editions of the *De potestate regia et papali*.

⁴⁶ 'Patet etiam argumentum deficere et magis esse pro nobis quam contra nos, si consideremus exempla, quia licet corpora caelestia moveantur in suum finem et administrentur per angelos, tamen non sunt producta per angelos sed immediate a Deo': *De potestate*, c. 17 (Leclercq, p. 226, lines 5–8; Bleienstein, pp. 157–58, lines 27–28, 1–2).

⁴⁷ 'papa non instituit regem, sed uterque est a Deo suo modo, nec ipsum dirigit per se ut rex est per se, sed per accidens in quantum contingit regem fidelem esse, in quo a papa instruitur de fide et non de regimine. Unde subicitur papae in his in quibus subicit eum ei potestas suprema, scilicet in spiritualibus tantum': *De potestate*, c. 17 (Leclercq, p. 226, lines 1–5; Bleienstein, p. 157, lines 22–26). Here John is merely applying a principle of Aristotelian logic: an attribute can be predicated as true in a relative sense (*per accidens*) while denied in an absolute sense (*simpliciter*) and vice versa: Aristotle, *De sophisticis elenchis*, ed. by Dod, v, 166b39–167a9, p. 80. It was precisely this principle that permitted medieval authors such as Boethius of Dacia to argue for the eternity of the world from a philosophical point of view, while denying it from a Christian perspective.

⁴⁸ This sentence is quoted by James in his quodlibetal question: James of Viterbo, *Disputatio prima de quolibet*, ed. by Ypma, p. 209, lines 79–81.

⁴⁹ See the passage quoted in the following note.

And, in clarifying this, John recalls the true origin of secular power: it comes from God and it requires the choice and the consent of the people.⁵⁰ The distance between John and his antagonists is apparent. The supporters of the supremacy of the pope in spiritual as well as in temporal affairs assign to the pope the *potestas causativa* of the secular power: the institution of the secular ruler derives from papal authority.⁵¹

James of Viterbo advances one of the more elaborate solutions in this debate, basing his analysis of the relationship between the two powers on the four causes.⁵² Between the two options — that of John, for whom neither the legitimacy nor the institution of the secular power depends upon the spiritual power, and that of his opponents, for whom secular power is just and legitimate insofar as it is instituted by the spiritual power — James proposes a *via media*, considering it as more reasonable. This position consists in clarifying the content of the approbation and ratification conferred by the spiritual power on the lay power, which in turn makes it possible to understand the relationship of efficient causality between the two powers.

⁵⁰ 'de Hugone dicente quod spiritualis potestas temporalem instituit, dici potest quod dicta Hugonis non sunt authentica, et modicum roboris afferunt. Tamen dici potest, ut dicit Augustinus, primo <De diversis quaestionibus>: mos sacrae scripturae est dicere rem fieri quando manifestatur. Pro tanto ergo dicebat Hugo quod potestas spiritualis regiam instituebat ut esset non quidem ipsam efficiendo ut esset, cum sit a Deo et populo consentiente et eligente, sed quia inungendo ipsum institutum [ed.: institutum] et electum manifestabat': *De potestate*, c. 17 (Leclercq, p. 226, lines 11–17; Bleienstein, p. 158, lines 6–14). An alternative text is transmitted by two manuscripts. Bleienstein supplies this text in the critical apparatus of his edition; the words are different, but the conclusion remains the same as the text handed down by the bulk of the manuscripts: 'Quamvis dici possit quod intendit quod spiritualis potestas instituit saecularem non ut sit simpliciter, cum populus instituerit sibi imperatorem, sed ut consecrata, quae consecratio non est de necessitate regiae potestatis'.

⁵¹ Take, for example, the way in which the hermit Augustine of Ancona upholds the supremacy of the pope *ex causalitate* in his answer to the question *Utrum potestas papae sit maior omni alia*: 'Potestas papae est maior omni alia, maiortate causalitatis, quia eius potestas causat omnem aliam potestatem examinando, confirmando et iudicando [...] quia cuiuslibet ordinis dignitatem et potestatem Romanus Pontifex habet instituere et confirmare, eius vero potestatem solus Christus fundavit et confirmavit. Nullius namque potestatis electio temporalis vel spiritualis est ipsa confirmatio, nisi solum electio ipsius papae vel de auctoritate eius', Augustine of Ancona, *Summa de ecclesiastica potestate*, part 1, q. 1, a. 3, p. 5. See also his question *Utrum imperator sit maior papa in causalitate*, part 2, q. 36, a. 6, p. 217.

⁵² This occurs in the section entitled 'De quibusdam aliis comparationibus harum duarum regaliū potestatum, scilicet spiritualis et temporalis': James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 7, pp. 206–28.

James deals with the two powers in terms of material and formal causes. In using the scheme of the causes, James adapts for this context an argument well known to those acquainted with the medieval commentary tradition on Aristotle's *Politics*. Medieval commentators on the *Politics* interpreted the naturalness of human association as a disposition man is born with, which is related to man's bodily complexion, but, just as in the case with the natural disposition to moral virtues, it needs to be brought out by an act of the will and the intellect. In this way the commentators distinguished between an inchoative stage and a complete one.⁵³ James of Viterbo applies the same argument to the issue of the two powers: the institution of temporal power has its being in an initial and material way in the natural human propensity to sociability — and as nature, including human nature, is God's creation, it derives from God — and in a perfect and formal way (*perfective et formaliter*) from the spiritual power.⁵⁴ In this sense, the ratification performed by the spiritual authority over the temporal power through the act of the unction is not merely an act that renders manifest the temporal power, as John of Paris suggests, but is essential in order to assure perfection and completeness for the temporal power.

Drawing on the second book of the *Physics*, where Aristotle states that in a compound the form is the perfection of the matter, James associates the spiritual power with the form and the temporal power with the matter. For James, spiritual power can be said to be the form of the temporal in the same way as light can be said to be the form of colour: just as colour has something of the light's form, which nevertheless does not suffice to make sight possible, so temporal power has to be perfected by the spiritual power.⁵⁵

⁵³ On this, see Toste, 'The Naturalness of Human Association'.

⁵⁴ 'spiritualis potestas est causa temporalis per modum principii agentis, et hoc tripliciter. Primo enim [...] quantum ad institutionem, quia eam instituit, ut dicit Hugo de Sancto Victore. Sed considerandum est circa hoc quod de institutione regni temporalis que sunt opiniones quasi contrarie. Quidam enim dicunt quod temporalis potestas a solo Deo est et a spirituali potestate, secundum suam institutionem, nullo modo dependet. Alii uero dicunt quod potestas temporalis, si debeat esse legitima et iusta, uel est coniuncta spirituali in eadem persona uel est instituta per spiritualem, alias iniusta est et illegitima. Inter has autem duas opiniones potest accipi uia media, que rationabilior esse uidetur: ut dicatur quod institutio potestatis temporalis materialiter et inchoatiue habet esse a naturali hominum inclinatione, ac per hoc a Deo, in quantum opus nature est opus Dei; perfectiue autem et formaliter habet esse a potestate spirituali, que a Deo speciali modo deriuatur [...] Imperfecta quidem et informis est omnis humana potestas nisi per spiritualem formetur et perficiatur. Hec autem formatio est approbatio et ratificatio': James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 7, pp. 210–11.

⁵⁵ 'unctio regibus adhibetur non solum in signum sanctitatis que in eis requiritur; sed etiam in signum approbationis et formationis; et a pontificibus reges unguntur quia per spiritualem

While for John of Paris the formal institution of the temporal power by the spiritual power has no binding value, as it is not *de necessitate regiminis*, for James this institution is the essential condition that allows the temporal power to operate. Both authors concur that a temporal power devoid of the approval and ratification of the spiritual authority remains legitimate, since it is derived from men's natural instinct to join together with their fellow men, and this natural instinct comes from God. Yet the two authors differ on the question of whether a temporal power which has not been ratified by the spiritual authority may function autonomously and entirely. For John of Paris, a temporal power lacking such ratification is able to accomplish its purpose; in contrast, James refutes the notion that political power among infidels may be truly complete, even though it is legitimate by virtue of its origins from man's natural instinct to associate.⁵⁶ Significantly, James's view became widely known: this section of his work was reproduced in Alvarus Pelagius's *De statu et planctu Ecclesiae*, one of the most copied *De potestate papae* of the Middle Ages, albeit with no acknowledgment that James was its author.⁵⁷

James's distinction between two stages of the same reality, an initial and a perfect state, which are chronological and, more importantly, essentially dis-

potestatem perficitur et formatur illa que temporalis dicitur. Et ideo hec spiritualis potestas potest dici quodammodo forma temporalis eo modo quo [ed.: quod] lux dicitur forma coloris. Color enim habet aliquid de natura lucis; tamen, ita debilem habet lucem quod, nisi adsit lux excellentior per quam formetur, non inherenter sed uirtualiter, non potest mouere uisum. Et similiter temporalis potestas habet aliquid de ueritate potentie cum sit ex iure humano, quod a natura oritur, sed tamen imperfecta est et informis, nisi formetur per spiritualem': James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 7, p. 212. The same argument is found in Alexander of Sant'Elpidio, *Tractatus de ecclesiastica potestate*, tractatus 2, c. 3, p. 17. The influence of James over Alexander has been noted already in Lambertini, 'Alessandro di Sant'Elpidio'.

⁵⁶ 'Vnde potestas humana que est apud infideles, quantumcumque sit ex inclinatione nature, ac per hoc legitima, tamen informis est quia per spiritualem non est approbata et ratificata. Et similiter illa que est apud fideles perfecta et formata non est donec per spiritualem fuerit approbata et ratificata': James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 7, p. 210.

⁵⁷ Chapter 7 of the second part of the *De regimine christiano*, which deals with the relationship between the two powers in the terms considered on this page, is completely reproduced in article 56 of Pelagius's work. We have used the edition Alvarus Pelagius, *Estado e pranto da Igreja* ('*Status et planctus Ecclesiae*'), intro. by Barbosa, ed. and trans. by de Meneses, II (1990), 478–501. As is well known, Pelagius integrates many sections from other *De potestate papae* texts into his own work, such as passages from Aquinas's *De regno*, Ptolemy of Lucca's *Determinatio compendiosa*, *Unam sanctam*, and Egidius Spiritalis's work.

tinct, can also be found in Giles of Rome's *De ecclesiastica potestate*, though with a far broader validity, as he employs it regarding private ownership.⁵⁸ This outcome is framed in a view utterly distinct from that of John of Paris, being dominated by a *reductio ad unum* which settles every aspect of reality. Drawing on Pseudo-Dionysius the Areopagite, Giles of Rome affirms that the order willed by God for the universe demands a gradual progression from the lowest to the highest through intermediate degrees.⁵⁹ Since the temporal power is inferior to the spiritual by virtue of their ends, Giles concludes that the inferior power has to be directed by the superior.⁶⁰ John of Paris proposes a different order, in which the unity at the apex does not of itself impose a reduction of the specific means of the temporal to the spiritual. Further, although the unity of the apex is admitted, from which both the temporal and the spiritual derive, this unity does not involve a unity of the leaders (*ministri*) of each order. Any such reduction would deplete both the means and those who use the means: if such reduction is inappropriate in works of nature or art, it is all the more so in the things made by God.⁶¹ God is the *suprema potestas* from which the two powers derive; yet these two powers do not have to mirror God's unity.⁶²

⁵⁸ According to Giles, the rights to ownership and to hereditary succession are entirely just insofar as their beneficiary is a spiritually regenerated man, which can only occur through the mediation of the Church. The *generatio carnaliter* is a necessary criterion, albeit not sufficient, to access paternal inheritance; for this, the beneficiary needs a previous regeneration carried out by the Church: Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 7, pp. 130–33.

⁵⁹ This principle was already used in ecclesiological writings of the late thirteenth century: Congar, 'Aspects ecclésiologiques', especially pp. 127f.

⁶⁰ 'Possumus enim ex ordine universi hoc liquido declarare, quod super gentes et regna sit Ecclesia constituta. Nam secundum Dionysium in *De angelica ierarchia*, lex divinitatis est infima in suprema per media reducere. Hoc ergo requirit ordo universi: ut infima in suprema per media reducatur. Si enim eque immediate infima reducerentur in suprema sicut et media, non esset universum recte ordinatum; quod est inconueniens dicere [...]. Non essent autem ordinata nisi unus gladius reduceretur per alterum et nisi unus esset sub alio; quia, ut dictum est per Dionysium, hoc requirit lex divinitatis quam Deus dedit universis rebus creatis, id est, hoc requirit ordo universi [...]. Gladius ergo temporalis, tamquam inferior, reducendus est per spirituale tamquam per superiorem, et unus ordinandus est sub alio tamquam inferior sub superiori': Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 1, c. 4, pp. 18–19.

⁶¹ 'Absit enim ut, in his quae a Deo instituta sunt, aliquid tale ponamus quale indecens est in operibus artis et naturae': *De potestate*, c. 10 (Leclercq, p. 196, lines 8–10; Bleienstein, p. 108, lines 9–11).

⁶² 'totus mundus est quasi una civitas in qua Deus est suprema potestas, qui utrumque

This is further explained by John when discussing the transmission of Christ's powers to Peter. John relies on the doctrine of causality in association with a reference to the organic analogy. Even admitting that Christ also had a temporal authority — which, according to John of Paris, is not the case, as the mission of Christ and the apostles was purely spiritual — this does not imply that Peter, as Christ's successor as *caput ecclesiae*, had temporal authority too: what is combined *in capite* may on occasion be distinct in the limbs, as occurs with the senses, which are all *in capite* but not in the same way in each member; likewise, the effects are usually more differentiated than the cause that produced them.⁶³ Comparison between works of art and of nature leads to this conclusion: a household community where all the tasks are carried out by one single member is imperfect and *non sufficiens sibi*; as Aristotle states, in deprived families children and wives become servants and slaves. Moreover, every tool ought to be used exclusively for the task for which it has been designed and produced; a multifunctional tool, such as the Delphian knife mentioned by Aristotle in the first book of the *Politics*, is characteristic of a deprived reality which does not have a tool available for every specific use. However, for John, this is not the way in which nature works, let alone its creator. It would, therefore, be 'unnatural' for the spiritual power to hold the two powers. Far from assuring a just organization of the universe, the *reductio ad unum* in Pseudo-Dionysian terms does not render justice to the richness and completeness of the arrangement given by God to the world.⁶⁴

papam et principem instituit': *De potestate*, c. 17 (Leclercq, p. 227, lines 11–13; Bleienstein, p. 159, lines 22–23); see also, 'Non oportet autem quod, si spiritualium et temporalium est unus Dominus, quod sit unus minister amborum, sed erunt plures, I Cor. XII (5): "Divisiones ministrationum sunt, unus autem Dominus, et divisiones operationum sunt, idem autem Deus, qui operatur omnia in omnibus": *ibid.*, c. 19 (Leclercq, p. 234, lines 12–16; Bleienstein, p. 171, lines 11–15).

⁶³ 'Christus est "caput ecclesiae", Ephes. II (1,22) et V (23). Et secundum Ambrosium intellegitur ecclesiae caput non solum secundum divinitatem sed secundum humanitatem. Quae autem sunt indistincta in capite interdum subiecto distinguuntur in membris, sicut patet quod omnes sensus sunt in capite, non sic autem in quolibet aliorum membrorum. Et hoc quasi regulariter verum est quod aliqua sunt magis distincta in principiatis quam in principio et in effectibus quam in causa et in inferioribus quam in superiore. Et ideo non oportet, si Christus etiam secundum quod homo utramque potestatem habuit, quod utramque Petro contulerit, sed spiritualement tantum Petro contulit et corporalem Caesari dimisit, quam a Deo accepit': *De potestate*, c. 10 (Leclercq, p. 195, lines 4–13; Bleienstein, p. 106, lines 11–22).

⁶⁴ 'Hoc etiam apparet ex comparatione ecclesiae, quae a Deo est instituta, ad opera artis. Videtur enim domus esse imperfecta et habere penuriam rerum et non sufficiens sibi in vita

Similar ideas are found in a contemporary of John, the Dominican Bernard of Auvergne. Bernard is best known for his *impugnationes* of the quodlibeta of Godfrey of Fontaines, Henry of Ghent, and James of Viterbo. While his criticism of the first two authors, and in particular of their ecclesiastic ideas, has already been studied,⁶⁵ his *reprobationes* of James of Viterbo's first two quodlibeta have been neglected.⁶⁶ Yet, as we have seen, James deals with the relationship between the two powers in terms of causality in q. 17 of his first quodlibet, and this question probably framed the later debate. For this reason, and although Bernard of Auvergne did not compose a *De potestate papae*, his *reprobatio* of James's question may help us to understand how the issue evolved.⁶⁷

Like John of Paris, Bernard considers that the two powers are directed to *unum capud*, which is God, and that they are best arranged if held by different rulers, as solicitude for either of the two powers inhibits care for the other.⁶⁸

si una persona ad diversa ministeria occupetur. Unde Philosophus dicit VI *Politicorum* quod pauperes, quia non habent copiam servitiorum nec abundant in his quae requiruntur ad perfectionem domus, utuntur filiis ut servis et uxoribus ut ancillis [...] inconveniens est in ea (scilicet: ecclesia) tam diversa ministeria uni committi, sacerdotale scilicet officium et regale dominium, in quo etiam reges Deo ministrant, Rom. XIII (4): "Non enim sine causa gladium portat: minister Dei est" [...]. Dicit enim Philosophus I *Politicorum* quod natura nihil tale facit sicut faciebant fabri formantes Dephicum gladium. Apud Delphos enim fiebant gladii propter pauperes ita quod unus gladius deserviebat pluribus officiis. Natura autem nihil tale agit, et multo minus auctor naturae. Unde Philosophus dicit quod unumquodque organorum optime perficiet opus suum si non multis operibus sit serviens, sed uni tantum': *De potestate*, c. 10 (Leclercq, pp. 195–96, lines 37–39, 1–3, 5–8, 10–15; Bleienstein, pp. 107–08, lines 22–25, 1–3, 6–9, 11–17).

⁶⁵ Zuckerman, 'Some Texts of Bernard of Auvergne'.

⁶⁶ Bernard's refutation of James of Viterbo is extant in five manuscripts. We have used the manuscripts BAV, MS Borghese 298, fols 157^r–201^r and Toulouse, Bib. mun., MS 744, fols 156^{ra}–191^{ra}. In the transcriptions in the following notes, we have used BAV, MS Borghese 298 (=B) as the main manuscript, and highlight readings specific to this manuscript whenever it does not transmit the best text. Angle brackets are used to denote editorial insertions. For the manuscripts of Bernard and his career, see Pattin, 'La structure de l'être fini selon Bernard d'Auvergne'; Friedman, 'Dominican Quodlibetal Literature', pp. 411–18.

⁶⁷ Bernard's criticism of James's *Quodlibet* I, q. 17 is found in BAV, MS Borghese 298, fols 179^{ra}–180^{rb}; Toulouse, Bib. mun., MS 744, fols 178^{rb}–179^{rb}.

⁶⁸ 'Quod autem dicit de optimo ordine, dicendum quod respublica est optime ordinata quando unus preest in temporalibus et alius in spiritualibus, melius quam si unus preesset utriusque, quia prelatio in uno impediret praelationem in alio, sicut ostensum est [B: *om.*]: utraque enim potestas ad unum capud ordinatur, quod est Deus, a quo omnis potestas est, tam in temporalibus quam in spiritualibus': BAV, MS Borghese 298, fol. 180^{rb}; Toulouse, Bib. mun., MS 744, fol. 179^{va}.

This idea, that one person cannot perform in the best way a task that should be done by two, is advanced by another author influenced by John of Paris: Peter of la Palud.⁶⁹

For Bernard, it is not plausible that Christ should have granted Peter temporal power as He preached contempt for it.⁷⁰ More importantly, Bernard openly accepts that the spiritual power stands in a more dignified position than the temporal, which means that if one had power (*potestas*) *in spiritualibus*, he would also have power *in temporalibus*. Yet, says Bernard, this is not the case of the pope, who holds the *potestas in spiritualibus* only *ex commissione* and has no *dominium* over the temporal.⁷¹ Note that the expression *ex commissione* is found in the *De potestate regia et papali*.⁷² Further, this idea that the pontiff administers but does not hold any ownership is also found in Peter of la Palud.⁷³

⁶⁹ 'dicendum quod non est perfectionis in regimine quod unus et idem equaliter possit in spiritualibus et temporalibus, quia unum aliud impediret [...] sed quod sint duo presidentes immediate, ita tamen quod minor subsit maiori, quantum necesse est pro spiritualitate et non plus': Peter of la Palud, *Tractatus de potestate papae*, ed. by Stella, q. 2, a. 1, p. 221, lines 11–15.

⁷⁰ 'non est uerisimile quod Dominus illud Petro commiserit quod pro [B: per] omnibus docebat contempnere: nullus enim esset diligens in regimine eius quod contempnit; Petrus autem [B: que] omnia contempsit et reliquit, unde dixit "ecce nos relinquimus omnia" et cetera, et ideo non est uerisimile quod aliqua potestas in temporalibus illi <que> omnia reliquerat sibi commissa fuerit, unde Christus ita elongatos uoluit esse apostolos a temporalibus [B: illi omnia – temporalibus *om.*], ut nullam sollicitudinem de eis haberent. Nullus autem potest preesse sine sollicitudine qui preexistit in temporalibus [B: qui – temporalibus *om.*], ergo nullum eorum uoluit esse prelatum in temporalibus': BAV, MS Borghese 298, fol. 180^{ra}; Toulouse, Bib. mun., MS 744, fol. 179^{rb}.

⁷¹ 'Ad rationem dicendum quod potestas spiritualis dignior est [B: *om.*] quam temporalis, et ideo concedi potest quod papa sit dignior quam imperator, unde bene uerum est quod, si esset aliquis qui ex natura sua haberet potestatem in spiritualibus, haberet etiam in temporalibus; sed quia papa non habet potestatem in spiritualibus nisi ex commissione, in qua nulla mentio facta de temporalibus, non arguitur bene [...] unde diuersa sunt regimina, que tantum uniuntur in uno capite quod est Deus, cuius uicarius est papa in spiritualibus et imperator in temporalibus': BAV, MS Borghese 298, fol. 180^{ra}; Toulouse, Bib. mun., MS 744, fol. 179^{va}.

⁷² 'Potest nihilominus dici quod ideo duo gladii ibi dicuntur esse et ad apostolos pertinere, quia unus apostolis et eorum successoribus convenit per se, quem a Christo habent, alius vero suus aptitudine, quia eis non repugnat et ex commissione et permissione principum suus erat futurus': *De potestate*, c. 18 (Leclercq, pp. 232–33, lines 33–34, 1–3; Bleienstein, p. 169, lines 4–8).

⁷³ 'papa non habet preeminentiam domini in mundo, nec in ecclesiis, sic quod ipse sit dominus bonorum mundi, nec ecclesie, super alios [...] differentia est inter vicarium alicuius domini et heredem, quia heres domini est dominus quorum est heres; vicarius autem, in eo in quo vicarius tantum, non habet aliquod dominium, sed nudam administrationem. Sed papa, in

Nevertheless, Bernard diverges from John in some points: he regards the emperor as the supreme temporal ruler and admits that, *ratione delicti* and on the grounds that the final cause of temporal power is eternal life, the pope may intervene in the sphere of the emperor (Bernard underlines that this interference does not imply *dominium* of the pope over the emperor).⁷⁴ Moreover, while John deals with James of Viterbo's simile that everything corporeal is moved by what is spiritual, just as the angels move the heavenly bodies, by stating that the angels move but do not create those bodies, Bernard of Auvergne discards this comparison stating that, unlike the angels, the pope is not purely spiritual; actually he holds the spiritual power *ex commissione*.⁷⁵ Bernard's criticism of James was probably written after the *De potestate regia et papali*, though this cannot be asserted with certainty.⁷⁶ In any event, if this is the case, Bernard is possibly one of the first authors influenced by John of Paris.

John's criticism of the use of Pseudo-Dionysius is found in other authors. In his gloss to *Unam sanctam*, dating to 1304–05, Cardinal Jean Lemoine, like John of Paris, rejects any form of efficient causation between the two powers. For Lemoine, the Dionysian reduction of the inferior to the superior through intermediaries is not suitable to describe the order between the two powers, because it can be applied solely to the realities in which there is a nexus of cause and effect; the superior dignity of one power with respect to the other alone does not entail any subordination of the inferior to the superior.⁷⁷ It is note-

quantum huiusmodi, non est heres alicuius dominii, sed solum vicarius Christi, qui est dominus universorum. Ergo papa, in quantum papa, nullam habet proprietatem nec dominium alicuius': Peter of la Palud, *Tractatus de potestate papae*, ed. by Stella, q. 1, a. 2, p. 144, lines 25–27, 30–36.

⁷⁴ 'Ad aliam rationem dicit quod bene probat quod ratione delicti papa habet iurisdictionem et imperium super [B: sunt] habentes potestatem temporalem, inquantum scilicet potestas temporalis ordinatur ad uitam eternam, unde, si quis temporalia deuiet a uita eterna, corrigi potest per ipsum. Sed simpliciter hoc non est habere dominium super eam': BAV, MS Borghese 298, fol. 180^{rb}; Toulouse, Bib. mun., MS 744, fol. 179^{va}.

⁷⁵ 'Quod immiscetur de angelis qui regunt corpora, dicendum quod hoc debetur eis secundum naturam, non sicut autem alicui debetur regimen in spiritualibus, sed ex sola commissione: angeli enim naturaliter sunt spiritus, non autem papa': BAV, MS Borghese 298, fol. 180^{va}; Toulouse, Bib. mun., MS 744, fol. 179^{va}.

⁷⁶ Bernard's writings against Godfrey seem to have been written between 1298 and 1304: Friedman, 'Dominican Quodlibetal Literature', p. 413. Moreover, Bernard's *Contra* James was composed after his *Contra* Godfrey: Pattin, 'La structure de l'être fini selon Bernard d'Auvergne', p. 683. This may mean that Bernard wrote it after 1304 or in a year around that date. Note that the *De potestate regia et papali* dates from 1302.

⁷⁷ The gloss is partially edited in Finke, *Aus den Tagen Bonifaz' VIII.*, pp. c–cxvi. For the

worthy that Lemoine, like John, disallows the use of Dionysian theology in this debate, though the justification for this provided by the two authors is slightly different. For Lemoine, Dionysius cannot be used with respect to causal relationships, while for John the restrictions on using Dionysius are much broader, as he refutes the traditional *adaptatio allegorica* of the two swords and of the *duo luminaria* (sun and moon) to the two powers, this on the grounds that ‘mystica theologia non est argumentativa’.⁷⁸

The assumption that mystical theology and allegories cannot alone, with no further authoritative text, be adduced to prove an argument is taken from Aquinas,⁷⁹ but John seems to be the first author to apply this principle in the discussion on papal and kingly power. Alastair Minnis has shown that John influenced William of Ockham, though in his *Breviloquium* Ockham goes beyond John by rejecting any use of allegoric interpretation, even if accompanied by other authoritative texts.⁸⁰ Prior to Ockham, at least one author attacked John’s dismissal of the use of mystical theology in the context of the relationship between the two powers. In a lengthy quodlibetal question devoted to the assertion that the kingdom of Sicily is nobler because it is directly subordinate to the Church (1323–24), the Franciscan Francis of Meyronnes attempts to refute the various arguments against the subordination of the temporal power to the spiritual power.⁸¹ One of the views he refutes is precisely that ‘mystica theologia non est arguibilis’. For Francis, this is not true because, whenever literal interpretation is not possible, it is necessary to advance a mystical interpretation. This is the case with the interpretation regarding the use of the sword by the spiritual power: if we do not admit a mystical sense, then it is hard to understand

attribution to Cardinal Lemoine, see Johannessen, ‘Cardinal Jean Lemoine’. For the passage at stake, see Finke, *Aus den Tagen Bonifaz’ VIII.*, p. cx: ‘Est enim (*scilicet*: potestas temporalis) indignior illa (*scilicet*: potestate spirituali), set non causatur ab ea [...] auctoritas Dionisii de reductione in suprema per media non est ad propositum, quia Dionisius loquitur de habentibus ordinem causalitatis, non dignitatis vel nobilitatis tantum.’

⁷⁸ Compare with *De potestate*, c. 14 (Leclercq, p. 218, lines 18–22; Bleienstein, p. 144, lines 24–28), and principally c. 18 (Leclercq, p. 232, lines 2–4; Bleienstein, p. 167, lines 19–21).

⁷⁹ See for instance Aquinas, *Scriptum super libros Sententiarum*, ed. by Mandonnet, I, q. 1, a. 5, p. 18; Aquinas, *Super Boetium De trinitate*, c. 1, q. 2, a. 3, ad 5, p. 100, lines 204–09. In any case, the dismissal of the use of parables and allegories to prove an argument is advanced as early as the fourth century by Jerome and Augustine.

⁸⁰ See Minnis, ‘Material Swords and Literal Lights’, pp. 301–03.

⁸¹ Francis of Meyronnes, *Quodlibeta*, I, q. 11, fols 250^{va}–253^{vb}. On Francis’s *Quodlibeta*, see Duba, ‘Continental Franciscan’, pp. 609–21.

that Christ commanded the apostles to buy a sword (Luke 22. 35–38) and later ordered Peter to sheathe the sword (Luke 22. 49–51; Matthew 26. 52).⁸² Francis connects mystical theology to an interpretation of how the apostles might use the sword, making it clear that John is his target.

Later authors continued to use Pseudo-Dionysius and to assimilate dignity and causality, but without taking into consideration the arguments of John of Paris or of Lemoine. At least one author, however, replies to the idea of separation of causality and dignity. The Franciscan William of Sarzano, writing in the second decade of the fourteenth century, states that even if the temporal power is caused immediately by God and not *a papa*, this does not mean that it is not *sub papa*. This is because causality does not deny the inherent hierarchy of the two powers and does not alter the intrinsic dignity of each. His example is a thoughtful one: God could simultaneously create a man with kingly dignity and another with military prowess; yet the latter might still have to submit to the former.⁸³

In any case, William maintains that the temporal power is caused by the spiritual power. As mentioned earlier, John of Paris dismissed James of Viterbo's example of the angels that move the heavenly bodies by stating that the angels do not create, they merely administer. William seems to have this example in mind together with John's reply, as he considers that moving the heavenly bodies involves causality. Drawing on the Aristotelian idea that the immaterial substances, by moving the heavens, are a universal cause of life which accompanies

⁸² 'Dicunt tamen aliqui quod secundum dicta beati Dionysii quod mistica theologia non est arguibilis, et quia illa expositio est mistica, ideo non facit fidem. Istud tamen dictum non est reale, quia ubi expositio non potest dari iuxta litteram in superficie, tunc illa expositio que videretur esse mistica est litteralis. Et sic est in proposito, quia non est verisimile quod Christus eis pro tunc indiceret emere armaturas cum gladii vsum ad defensionem tunc Petro inhibuerit': Francis of Meyronnes, *Quodlibeta*, I, q. 11, fol. 253^{ra}.

⁸³ 'Potest etiam aliter responderi quia, dato quod potestas Imperatoris sit a solo Deo et non a papa, adhuc tamen nulla consequentia est quod, si potestas huiusmodi non est a papa, ergo non est sub papa. Utraque enim potestas, scilicet Imperatoris et pape, dato quod esset a Deo eque immediate in mediatione causalitatis, quia Deus eque immediate et per se ipsum habeat in papa, illam vero non in Imperatore causat; tamen cum hac in mediatione causalitatis stat mediatio ordinis, ita quod una ordinetur sub alia, sicut, exempli gratia, si Deus per se et immediate et simul produceret unum hominem cum dignitate regali et alium in illo Regno cum honore militari, nunquid propterea, quia uterque eque immediate productus est a Deo, honor militaris non suberit dignitati regali, etc.?' William of Sarzano, *De potestate summi pontificis*, p. 1083.

the particular causes, William argues that the spiritual is always the cause of the corporeal.⁸⁴

Final Causation

Arguably the most difficult argument faced by John of Paris is that based on the final cause, or more specifically on a hierarchy of ends, which ranks papal authority as the supreme power on account of the superiority of its end with respect to the end of lay power. This is in fact the key argument in all the *De potestate papae* treatises,⁸⁵ and it was used, as we have seen, as early as 1293 in James of Viterbo's quodlibetal question.

This argument does not preclude the use of Aristotle's philosophy. Actually, his ideas were sometimes easily integrated into a broader context, this being the case, for instance, for the naturalness of human association, which could be related to God's creation. At other times, however, specific passages from his works could be reused in a completely different context. This is the case for a passage taken from the *Nicomachean Ethics* which became one of the most commonly used arguments in the whole *De potestate papae* genre.

In the opening lines of the *Ethics*, Aristotle argues that, just as there are numerous actions, crafts, and sciences, so the ends of these activities are numerous too. However, if such crafts can be related to each other, the end of each craft has to be subordinated to a superior craft. Aristotle's example is eloquent:

⁸⁴ 'quod ordo dignitatis in proposito includat ordinem causalitatis, ex hoc advertere possumus [...] nullus autem intelligens dubitat aut dubitare debet quod anima sic corpori perfertur in dignitate: quod tamen causaliter dat ei esse, vitam et motum, similiter intelligencia que movet ad orbem non solum dignitate prefertur inferioribus istis, immo et causalitate, quoniam movendo orbem causat in eis esse, vitam et motum concurrentibus particularibus causis': William of Sarzano, *De potestate summi pontificis*, p. 1089. That William of Sarzano is possibly replying to John of Paris has already been suggested in Cheneval, *Die Rezeption der Monarchia Dantes*, p. 181.

⁸⁵ The justification of political power's divine origin, seeing God as the final cause of political power, can be found in Ptolemy of Lucca's *Determinatio compendiosa de iurisdictione imperii*, surely one of the first works written by a theologian to have dealt with the relationship between the spiritual and the temporal power (which in this treatise is more specifically the emperor); see Ptolemy of Lucca, *Determinatio compendiosa*, ed. by Krammer, c. 19–20, pp. 39–42. Scholars are unable to agree on the composition date of this work; however, whatever its true date may be, it certainly precedes all the *De potestate papae* works quoted in the present paper. For an overview of this debate, see Blythe, *The Life and Works of Tolomeo Fiadoni*, pp. 141–48.

as bridle-making and all the crafts related to horses' equipment are intended to serve riding, they are subordinate to it; in turn, riding, and indeed all military action, is ordained, and thus subordinate, to strategy. The inferior activities are subordinate to the superior ones on account of their purposes. Accordingly, the activity or science that pursues the highest end or object makes all the other sciences subordinate. Aristotle describes a science of this kind as architectonic.⁸⁶

This passage was naturally discussed in the medieval commentary tradition on Aristotle's *Ethics*, as commentators tried to establish which of the moral or practical sciences was the architectonic one. While Albertus Magnus held ethics to be the practical science which supplies principles to the other sciences, Thomas Aquinas assigned this role to politics.⁸⁷ This discussion was well known to medieval theologians. In fact, the example of bridle-making and the use of the expression 'architectonic science' are found in many commentaries on Peter Lombard's *Sentences*, specifically in the introductory questions of the first book where theologians deal with the place of theology in the hierarchy of the sciences.⁸⁸ It is thus unsurprising that the passage from the *Ethics* was used in the *De potestate papae* texts, as their authors were theologians. Remarkably, it was employed by James of Viterbo to argue for both the subordination of temporal to spiritual power and the *reductio artium ad theologiam*.⁸⁹

This section of the *Ethics* provided the hierocratic side with a sound argument to uphold the absolute supremacy of spiritual over temporal power, as it was indisputable that spiritual power pursues a higher end than temporal power. This argument based on the final cause seems insurmountable as long as continuity between natural and supernatural ends is accepted, since in this case

⁸⁶ Aristotle, *Ethica Nicomachea (Recensio Recognita)*, ed. by Gauthier, I.1, 1094a5–16, p. 375; I.2, 1094a18–27, pp. 375–76.

⁸⁷ On this discussion, see Lines, 'Sources and Authorities', especially pp. 13, 24–26.

⁸⁸ See by way of example the *Sentences* commentary of John of Paris himself: 'Ex parte vero finis dicitur scientia subalternans respectu alterius, quando finis unius ordinatur ad finem alterius. Et modo isto dicit Philosophus in I Ethicorum, quod quia finis frenifactivae ordinatur ad equestrem, et finis equestris ad militarem, idcirco frenifactiva equestri et equestri militari subalternatur', John Quidort of Paris, *Commentaire sur les Sentences*, ed. by Müller, I (1961), q. 3, p. 12.

⁸⁹ 'Ita ergo se habet spiritualis potestas ad temporalem sicut ars architectonica ad subservientem et sicut scriptura sacra ad scientias humanitas inuentas, quibus utitur in sui obsequium, ad manifestationem sue ueritatis': James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 7, pp. 216–17. Dyson renders the expression *ars architectonica* with 'art of architecture', but, since James is here referring to the main science that determines the inferior sciences, it should be 'architectonic art'.

the former will be a preparatory state for the latter. Note that with this argument the hierocratic authors do not discard the validity of Aristotle's *Politics*; rather, they just consider that man is subject to a set of eternal and immutable norms beyond the sphere of political power, and which are superior to the laws enacted by the lay political authority. It is obedience to these eternal norms, and not merely to political laws, which permits man to achieve his ultimate end, beatitude in the afterlife. For this reason, the end of the political community has to be beatitude in the afterlife, and all the means employed by the political authority have to be related to this ultimate end.

The argument from the *Ethics* was used in texts addressing political issues before the appearance of the *De potestate papae* works. Beyond James of Viterbo's 1293 question, the argument is found in Aquinas's *Summa theologiae*, though in a different context — the derivation of human law from divine law — and not necessarily related to the final cause.⁹⁰ It is also present in Henry of Ghent's quodlibetal question from 1281.⁹¹

This argument assumed a common shape in the *De potestate papae* works, which was seldom linked to reasoning in terms of efficient cause,⁹² but nearly always in terms of final cause.⁹³ The argument is first found in James of Viterbo's *De regimine*

⁹⁰ 'Unde et in omnibus gubernantibus idem videmus, quod ratio gubernationis a primo gubernante ad secundos derivatur, sicut ratio eorum quae sunt agenda in civitate derivatur a rege per praeceptum in inferiores administratores. Et in artificialibus etiam ratio artificialium actuum derivatur ab architectore ad inferiores artifices, qui manu operantur. Cum ergo lex aeterna sit ratio gubernationis in supremo gubernante, necesse est quod omnes rationes gubernationis quae sunt in inferioribus gubernantibus a lege aeterna deriventur': Aquinas, *Summa theologiae*, I^a–II^{ae}, q. 93, a. 3 (*Opera omnia*, VII, 164).

⁹¹ 'sacerdos apostolicus se habet ad reges et principes sicut architector civilis ad alios artifices in civitate. Sicut enim architectonici est praecipere qui et quales debent exercere scientiam medicinalem, rhetoricam et sic de aliis in civitate, et quosdam admittere, quosdam repellere, sic sacerdos apostolicus debet considerare qui et quales regna et principatus regere debeant et bonos honorare, malos autem et male regentes deponere, et alios locos illorum substituere': Henry of Ghent, *Quodlibet VI*, ed. by Wilson, q. 23, p. 221, lines 78–84; see also p. 217, lines 68–70.

⁹² This is the case with James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 7, pp. 216–17: 'spiritualis potestas habet rationem cause agentis respectu temporalis quantum ad imperium'.

⁹³ Again, 'Sicut ergo in artibus finis unius est propter finem alterius, ut finis frenefactiue propter finem militaris, sic et in potestatibus contingit; et sicut in artibus illa est altior [James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson: alterior; James of Viterbo, *Le plus ancien traité de l'Église*, ed. by Arquillière, p. 231: finis alterius] ad cuius finem ordinatur finis illius alterius, ita etiam se habet in potestatibus': James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, part 2, c. 7, pp. 210–11.

christiano and later in nearly all the treatises that endorsed the supremacy of papal power in temporal matters. This is the case for the works by the Augustinians Alexander of Sant'Elpidio,⁹⁴ Hermann of Schildesche,⁹⁵ Augustine of Ancona (mistakenly known as Augustinus Triumphus),⁹⁶ the Franciscans William of Sarzano,⁹⁷

⁹⁴ 'Dependet etiam potestas temporalis a potestate spirituali, sicut a causa finali; quia, cum finis temporalis potestatis sit naturalis felicitas, ordinari debet ad finem potestatis spiritualis, qui [ed.: quae] est felicitas supernaturalis. Et ideo potestas temporalis est propter spirituale, sicut propter suum finem. Sicut enim videmus in artibus, quod militaris est finis fraenifaciuae pro tanto, quia finis fraenifaciuae ordinatur ad finem militaris, si<c> ergo et in proposito, potestas spiritualis finis est potestatis temporalis': Alexander of Sant'Elpidio, *Tractatus de ecclesiastica potestate*, tractatus 2, c. 3, p. 17.

⁹⁵ 'Artes operativae et exsecutivae respectu sui ultimi finis, in quem ultimate ordinantur, dependent ab architectonica, ut declarari habet primo Metaphysicae. Et omnes habitus subordinati, ut militaris, frenefactiva, oeconomica et rhetorica, respectu sui finis ultimi dependent a politica, ut patet primo Ethicorum. Sed Ecclesia comparatur ad omnes homines mundi ut architectonica ad exsecutivas et ut politica ad habitus subservientes': Hermann of Schildesche, *Tractatus contra haereticos*, ed. by Zumkeller, c. 11, p. 29, lines 22–28.

⁹⁶ In his quodlibetal question, known as the *Tractatus brevis de duplici potestate prelatorum et laicorum* and dating from around 1314–15, Augustine uses the final cause in association with the efficient cause: 'In causis autem efficientibus sic uidemus quod prius agens numquam potest aliquid agere, nisi in virtute primi agentis. Eciam super eundem effectum efficacius operatur causa primaria, quam secundaria, primo quod omnis virtus primaria plus est influens supra suum causatum, quam secundaria, ut dicit prima propositio De causis. Sic ergo erit in ipsis finibus, quod ille, qui intendit finem supremum et principium debet inperare ei, qui intendit finem inferiorem et secundarium, sicut videmus in artibus mechanicis, quod ars domificatiua, que habet ipsam domum pro fine, inperat arti inferiori, que habet dolare ligna, et sic est de omnibus aliis. Cum igitur potestas spiritualis pape habeat pro fine ipsum deum modo supernaturali, ad quem nemo peruenire potest, nisi mediantibus donis spiritualibus, quorum ipse est amministrator et universalis dispensator, potestas vero temporalis regis vel imperatoris intendat et habeat pro fine ipsum bonum commune et bonum multitudinis naturale et modo naturali [...] oportet quod habeat papa imperare regibus et secularibus principibus', Augustine of Ancona, *Tractatus brevis de duplici potestate prelatorum et laicorum*, ed. by Scholz, pp. 498–99. Augustine also uses the argument in a slightly different context, that is, to support the idea that the pope may elect the emperor: 'Est autem principaliter agentis eligere ministros et instrumenta ad suum finem: sicut ars militaris, cuius finis est victoria, habet eligere equestrem et fraenefactiuam, secundum quod videt expediri fini intento, sicut dicitur 1 Ethicorum. Vnde puto quod Papa, qui vniuersos fideles in praesenti vita ad pacem habet ordinare et ad supernaturalem finem consequendum dirigere et destinare, iusta et rationabili causa existente, per seipsum possit imperatorem eligere', Augustine of Ancona, *Summa de ecclesiastica potestate*, part 2, q. 35, a. 1, p. 206.

⁹⁷ 'Adhuc, cum secundum sapientis Aristotelis doctrinam ars ad quam pertinet principalis et ultimus finis sit architectonica et alijs imperet artibus ad quas pertinent secundarij fines,

Francis of Meyronnes,⁹⁸ Francis Toti (Coti), albeit in a slight different form,⁹⁹ and even for Dominicans such as Durandus of Saint-Pourçain,¹⁰⁰ John of Naples,¹⁰¹

si regimen animarum immediate respicit ultimum finem, regimen vero corporum et rerum corporalium immediate respicit secundarios fines et illis mediantibus respicit ultimum finem, regimen animarum et eius rector imperabit regimini corporum et eius rectori [...] rector animarum habet presidere et preesse rectori corporum, nedum in hijs que pertinent ad corpora in quantum deserviunt spiritibus in esse spirituali et gratuito, immo in esse naturali seu civili et politico, sicut militaris imperat frenefactive, nautica imperat navifactive. Papa igitur, qui est rector animarum, habet instituere, disponere et ordinare Imperatoris officium, dignitatem et regimen et ei omnem quam habet ipse Imperator conferre auctoritatem': William of Sarzano, *De potestate summi pontificis*, pp. 1090–91.

⁹⁸ 'Formatur sic ratio secundum dependentiam finis: quandocumque alique due facultates ita se habent quod una ordinatur ad aliam sicut ad finem, ille qui principatur in fine debet preesse illi qui principatur in eo quod ad finem [...]. Secundo declaratur in mechanicis: quia enim frenefactiva ordinatur ad equestrem sicut ad finem, ideo princeps equorum debet naturali iure principari principi frenorum': Francis of Meyronnes, *Quodlibeta*, I, q. 11, fol. 252^{vb}. For further discussion of Francis, see the latter part of this paper.

⁹⁹ 'Aristoteles philosophus probat quod materia est propter formam per hoc, quod ars inductiva forme principatur arti preparatiue materie et hec preparatiua materie ac eius operationem ordinantur sicut ad finem operatiuum per artem inductiuam forme. Exemplum: ars edificatiua inductiva forme domus imperat dolatiue lignorum, ut patet, ligna secundum exigentiam forme domus inducendo, ad quam ligna dolata [*MS: dolosa*] ordinantur sicut ad finem. Sicut econuerso est in artibus sic arguo in potestatibus quod ista potestas principatur et imperat alteri, ad cuius actum, tanquam ad finem, ordinantur actus alterius potestatis [...]. Confirmatur quia ista potestas, que immediatius et directius ordinatur ad finem simpliciter ultimum consequendum, est simpliciter sublimior <illa potestate> que non nisi mediante ipsa ordinatur ad consequendum istum, ita quod, sicut finis est sub fine, sic et potestas sub potestate. Sed potestas spiritualis immediate ac directe ordinatur ad cultandum Deum [...]. Potestas spiritualis est simpliciter sublimior temporali': *Tractatus Magistri Francisci Coti de Perusio Ordinis Minorum contra Bauarum*, BAV, MS Ottoboni lat. 2795, fols 160^r–186^r (fol. 165^{r-v}). On fol. 164^r, the author claims that the *potestas temporalis* has the 'potestas spiritualis ab totali causa'. This work is partially edited in Scholz, *Unbekannte kirchenpolitische Streitschriften*, II, 76–88, and survives in four manuscripts.

¹⁰⁰ 'Iurisdictio autem principum secularium se extendit solum ad bona et mala presentis vite civilis, que omnia inter Christianos debent ordinari ad futuram vitam sicut ad finem. Consequens est, quod spiritualis iurisdictio ecclesie se habet ad iurisdictionem secularem, sicut ars que considerat finem se habet ad artem que considerat illud, quod ordinatur ad finem, puta militaris ad equestrem et equestris ad rei publice utilitatem. Constat autem, quod ars que considerat finem imperat arti que considerat illud quod est ad finem, sicut ars militaris, que considerat victoriam, imperat equestri. Et similiter est in alijs, ut dicitur *primo Ethicorum*': Durandus of Saint-Pourçain, *Circa originem potestatum*, p. 104, lines 965–78.

¹⁰¹ 'potestas ad quam pertinent ea quae sunt ad finem est totaliter subiecta potestati ad quam pertinet finis, vt patet in prologo Ethicorum de artibus militari, equestri, frenofactiua,

and Guido Vernani.¹⁰² Arguably, the homogeneity of the argument throughout the decades of the debate shows its solidity. The argument remained intact on account of the teleological philosophy that shaped the Middle Ages.

John of Paris opposes it in Chapter 17, in his reply to the twenty-third argument presented earlier in Chapter 11 of the *De potestate regia et papali*.¹⁰³ John proposes a different order, in which the superior does not subsume the inferior: if two powers are yoked together in view of their ends, then, according to John, they are linked exclusively with respect to that end, and as a result, the relationship of subordination only involves that end. This view restricts the range within which the superior power may legitimately exercise its supremacy: the supremacy does not arise *simpliciter*, but only concerns what is necessary to achieve the specific end in the context of which the powers are related to each other.¹⁰⁴

et huiusmodi [...] sic quod temporalia debent esse in eius mente omnino et totaliter subiecta spiritualibus, secundum ordinem causalitatis finalis [...] ergo inter fideles Christi potestas secularis debet esse totaliter subiecta potestati spirituali': John of Naples, *Quaestiones variae Parisiis disputatae*, ed. by Gravina de Neapoli, q. 39, p. 337. Although he was a Dominican, John of Naples reveals the scant influence of John of Paris, himself a Dominican, and the widespread reception of James of Viterbo. The third and main *punctum* of his question on the papal power is no more than a reproduction of James of Viterbo's q. 17 of *Quodlibet* 1: *ibid.*, pp. 336–38.

¹⁰² 'oportet, quod sicut fines sunt ad invicem ordinati et ab invicem dependentes, quod etiam agentia propter finem sint ad invicem ordinata, ita quod illud agens, ad quod pertinet principaliter dirigere et procurare ultimum finem, habet precipere et ordinare omnes alios infra se et legem eis imponere, ut patet per Aristotelem in primo *Ethicorum*, ubi dicit, quod finis, quem intendit politicus, comprehendit fines proprios omnium artium, que sunt in civitate. Et ideo dicit, quod princeps civitatis de omnibus artibus et virtutibus iudicat et ordinat et legem ponit unicuique quid oporteat operari et a quibus abstinere [...]. Manifeste ergo sequitur ex premissis, quod potestas spiritualis, que principaliter est in summo pontifice, de iure naturali et divino potest et debet precipere cuilibet regi et ei legem imponere': Guido Vernani, *Tractatus de potestate summi pontificis*, ed. by Cheneval, p. 434, lines 3–10, 21–23.

¹⁰³ 'Item idem arguunt ex ordine finium. In artibus enim ordinatis, ars ad quam pertinet ultimus et principalis finis imperat aliis artibus, ad quas pertinent fines secundarii. Sed saecularis potestas intendit bonum multitudinis, quod est vivere secundum virtutem, ad quod pervenire potest virtute naturae et ea quae huic adminiculantur. Potestas autem spiritualis intendit bonum multitudinis supernaturale, scilicet aeternam beatitudinem, et in ipsam dirigit. Finis autem supernaturalis potior est et principalior quolibet alio fine. Ergo spiritualis potestas quae ministris ecclesiae collata est superior est non solum dignitate, sed etiam causalitate, potestate saeculari, et ei praecipit qualiter debeat operari': *De potestate*, c. 11 (Leclercq, p. 204, lines 4–12; Bleienstein, p. 121, lines 9–19).

¹⁰⁴ 'Quod vero dicitur vigesimo tertio de ordine finium, respondeo: multipliciter deficit. Primo si quidem quia ars ad quam pertinet superior finis movet et imperat artem ad quam pertinet inferior finis, non quidem simpliciter, sed quantum ei competit ad necessitatem ultimi

This argument proved influential as it was used by Peter of la Palud and other authors discussed later in this article.¹⁰⁵

John points out a further limitation of papal supremacy *in temporalibus* (in doing so, he recalls his conclusions regarding the efficient causality between the two powers): papal power may exert its authority not by *movendo per modum auctoritatis*, but by directing the inferior power *per modum dirigentis*, which is the way of proceeding specific to a ministerial authority. The distinction between *movere* and *dirigere* is far more than a simple terminological clarification: it evokes the passage of the *Summa theologiae* in which Aquinas advances a ministerial conception of papal power. Aquinas solves the question as to whether to be head of the Church is proper to Christ by distinguishing two ways in which a head may influence the other limbs, either by an intrinsic influence or by a form of external direction. In the first case, the influence works as a motive and sensitive force which flows from the head to the limbs, and this is the way in which Christ is the head of the Church.¹⁰⁶ In the second case, the influence occurs as through sight and the other senses located in the head which guide man in his external acts. This is what is indicated by John of Paris: according to Aquinas, this is the way in which a minister of Christ has to lead.¹⁰⁷

sui finis': *De potestate*, c. 17 (Leclercq, pp. 226–27, lines 35, 1–4; Bleienstein, p. 159, lines 9–13).

¹⁰⁵ 'Sed finis potestatis temporalis subest fini potestatis spiritualis [...]. Maior patet per simile de artibus, de quibus dicitur, 1 *Ethicorum*, quod est ordo artium sicut ordo finium, quia ars dicitur superior et imperat alteri, tanquam inferiori, quando ipsa ordinatur ad finem altiore, propter quem est finis alterius, sicut frenefactiva subest equestri, quia frenum subservit equitationi, unde miles equitaturus dictat quale frenum sit equo suo faciendum [...]. Ad secundum, de artibus, dicendum quod ars superior imperat inferiori in ordine ad suum finem, non simpliciter. Et sic conceditur quod papa imperat cuilibet principi, puta movere bellum contra hostes fidei, et recedere a peccato, et huiusmodi; non, autem, petendo homagium pro iurisdictione': Peter of la Palud, *Tractatus de potestate papae*, ed. by Stella, q. 2, a. 1, pp. 204–05, lines 33–04; p. 219, lines 24–28.

¹⁰⁶ 'caput in alia membra influit dupliciter. Uno modo, quodam intrinseco influxu: prout virtus motiva et sensitiva a capite derivatur ad cetera membra. Alio modo, secundum exteriorem quandam gubernationem: prout scilicet secundum visum et alios sensus, qui in capite radicanter, diriguntur homo in exterioribus actibus [...] Christus est caput Ecclesiae propria virtute et auctoritate; alii vero (*scilicet*: episcopi et papa) dicuntur capita in quantum vicem gerunt Christi': Aquinas, *Summa theologiae*, III, q. 8, a. 6 (*Opera omnia*, XI, 134).

¹⁰⁷ Though John's dependence upon Aquinas is apparent in this passage, John does not mention him. About 150 years later the author of a *De potestate papae*, Domenico de' Domenichi, explicitly refers to Aquinas regarding the distinction between Christ's authority and the pope's authority, which permits him to state that whatever the pope does when ruling, he does so as a minister: 'Quidquid papa facit ad extra dirigendo facit virtute Christi

As a minister, the pope cannot decide to establish a temporal ruler and hence cannot depose one, since, as we have seen, the spiritual power is not its cause. To illustrate his point, John offers an example: the physician may advise the pharmacist and appreciate the cure he has prepared, but he cannot replace his competences and remove the pharmacist from his office, as both the physician and the pharmacist depend upon a higher authority which has exclusive authority to do so.¹⁰⁸ Note that the pharmacist's end is necessarily related to the physician's, as his remedies only have a purpose if they are related to the physician's prescription. If one craftsman cannot remove another from his office, even though the latter's end is subordinate to the former's, this is all the more true, adds John, in the case of a craft which, albeit inferior to other crafts, pursues an end which is by itself desirable, even if this end is ordained as the end of a superior craft. While the line of reasoning of his opponents is suggestive and colourful (*aliquid coloris habet*), if applied to the case of the physician and the pharmacist, it has no value in political matters: the end of politics — to live according to virtue — is of itself desirable and involves other goods which are desirable of themselves as well; the fact that they are included in and ordained to the commonwealth does not stop them from being pursued as good in themselves. Goods such as friendship, knowing, and seeing are not annulled by the end of politics.¹⁰⁹

et auctoritate ab ipso accepta [...]. Unde mortuo papa ecclesia non caret capite nisi intelligatur de ministeriali [...] quia manet Christus, qui est verum et perfectum caput', Domenico de' Domenichi, *De potestate pape et termino eius*, ed. by Smolinsky, pp. 192–93.

¹⁰⁸ 'Amplius deficit (*scilicet*: quod prius dicebatur de ordine finium) quia ars illa superior non semper necessario imperat inferiori movendo per modum auctoritatis et instituendo eam, sed solum ei imperat per modum dirigentis, et sicut medicus pigmentarium informat et iudicat de ipso an debite conficiat pigmenta, sed ipsum non instituit nec destituit, sed est aliquis superior utroque, scilicet medico et pigmentario, apud quem est totus ordo civitatis, ut rex et dominus civitatis, et iste, si pigmentarius non conficiat pigmenta prout convenit medico, habet ipsum instituere vel destituere, sic in proposito totus mundus est quasi una civitas in qua Deus est suprema potestas, qui utrumque, papam et principem, instituit etc': *De potestate*, c. 17 (Leclercq, p. 227, lines 4–13; Bleienstein, p. 159, lines 14–23).

¹⁰⁹ 'Tertio deficit dicta ratio, quia quamvis aliquid coloris habeat ubi illud quod pertinet ad artem inferiorem non habet rationem boni vel appetibilis secundum se, sed solum ut ordinatur ad finem superiorem quem respicit ars superior, sicut se habet confectio medicinarum quam facit pigmentarius ad sanitatem quam intendit medicus, tamen dicta ratio nihil coloris habet ubi illud quod ad inferiorem artem pertinet habet in se rationem boni et appetibilis secundum se, cuiusmodi est vivere secundum virtutem. Nam multa sunt bona et appetibilia secundum se quae tamen ad illud ordinabilia sunt, ut dicit Philosophus *viii Ethicorum* de amicitia, et in *x* dicit hoc idem de scire, videre et huiusmodi': *De potestate*, c. 17 (Leclercq, p. 227, lines 13–22; Bleienstein, pp. 159–60, line 24–27, 1–7).

John's reaction to the hierocratic reasoning *ex ordine finium* is advanced through an array of different arguments, but it can be reduced to one main thesis: the hierarchical order formed by the two powers reflects the higher dignity of the spiritual power (for John, this is beyond dispute), but nevertheless the inferior power may have its own existence and operation (*operatio*) as well as a specific end and means which do not coincide with those of the spiritual power. Consequently the inferior cannot be completely subordinate to the superior.

John deals again with the hierarchy of ends later in the text and once more with the example of bridle-making in mind, taken from the *Ethics*. In the thirty-second argument of Chapter 11, John reports the argument of the canonist Henry of Cremona, one of his main targets, according to whom all temporal goods are subject to the pope. All external goods exist for the sake of the body, and the body, in turn, exists for the sake of the soul. This means that the body is subordinate to the soul, and as the pope holds power over souls, Henry concludes, the pope also has *dominium* (ownership) over temporal goods. John summarizes this idea with a sentence that evokes Aquinas's commentary on the *Physics*: 'habens dominium super finem, et in his quae ad finem'.¹¹⁰

For John, Henry's conclusion that the pope owns all external goods follows from an invalid inference: it would be the equivalent of stating that the owner of all the horses owns all the bridles too on the simple grounds that the bridles are made for the horses. The argument is also mistaken because it presupposes that the pope is an owner. Here, John stresses one of the essential theses of his work: the pope is not an owner (*dominus*) but only the *minister spiritualium*. For John his opponents are mistaken because they assign to the papal power functions and a nature which do not belong to it: they do not acknowledge the ministerial feature of the papal office and the fact that his power is utterly spiritual.¹¹¹

¹¹⁰ 'Item, habens dominium super finem, et in his quae ad finem. Sed temporalia ordinantur ad spiritualia ut ad finem, et papa habet dominium in spiritualibus, ergo etc. Et hoc sic arguit dictus de Cremona: "Deus dedit animas Petro; sed corpus est propter animam et ei subiectum. Bona vero exteriora temporalia sunt propter corpus et ei sunt subiecta. Ergo a primo ad ultimum omnia exteriora sunt papae subiecta": *De potestate*, c. 11 (Leclercq, p. 205, lines 20–25; Bleienstein, p. 123, lines 18–24). Henry of Cremona's *De potestate papae* is edited in Scholz, *Die Publizistik*, pp. 459–71. For Aquinas, see Aquinas, *In octo libros Physicorum*, ed. by Maggiolo, p. 87, n. 172: 'Eiusdem scientiae est considerare finem et ea quae sunt ad finem: et hoc ideo quia ratio eorum quae sunt ad finem, a fine sumitur'. This principle was widely used in medieval philosophy.

¹¹¹ 'Quod autem dicitur trigesimo secundo, de habente dominium super finem et ea quae sunt ad finem, patet quod argumentum rude est. Nam idem modus arguendi est ac si argueretur: "Iste

John's counter-argumentation did not give rise to a structured reply from his opponents. However, a singular case regarding the issue of the subordination of one power to another *ex ordine finium* is found in Giles of Rome's *De ecclesiastica potestate*. Giles approaches the question from a broader point of view, considering that the causes of relationships of subordination depend upon the different realities in which they take place: the forms of subordination which occur among the natural powers, or among the crafts and sciences, or among human powers are not the same. In the first case, one power is superior to another and acts on it by virtue of its greater universality: the celestial power (*virtus caelestis*) prevails over both the power of the four basic elements and over what stems from these elements, since it is *communior* and *universalior*.¹¹² In the case of the crafts, the inferior craft is the one which prepares the matter to be used by the superior craft so that this may carry out its own action; this is the case for bridle-making (*frenifactiva*) with respect to the military.¹¹³ In the case of the sciences, the supremacy is attributed to the science whose object is God, this object being inquired into with the help of reason and revelation; this science is theology, and all the others are subordinate to it.¹¹⁴

These three cases of subordination converge in the case of earthly power. All the three cases point to the subordination of temporal power to spiritual power:

est dominus omnium equorum, ergo omnium frenorum, quae sunt propter equos". Peccat etiam argumentum in materia, quia non est verum quod papa sit dominus spiritualium, sed est minister tantum, I Cor. IV (1): "Sic nos existimet homo ut ministros Christi et dispensatores ministeriorum eius": *De potestate*, c. 19 (Leclercq, p. 234, lines 6–12; Bleienstein, p. 171, lines 4–11).

¹¹² Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 6, pp. 116–17, 120–21: the inferior powers require the superior ones. The element of fire cannot alone generate fire, but needs the help of the celestial power, 'ita quod celum et ignis generant ignem'; likewise, the horse cannot generate another horse 'nisi in virtute solis; et sic de animalibus aliis [...]. Virtus ergo celestis, tamquam communior et universalior, omnibus aliis virtutibus dominatur, sive virtutes ille sint elementorum sive elementatorum [...] in virtutibus naturalibus, quare dominantur virtutes celestes, assignavimus rationem et causam generalitatem et contraccionem, ut ideo virtutes celestes dominantur, quia sunt generales, ideo autem iste virtutes inferiores famulantur quia sunt contracte et particulares.' See also Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 13, pp. 216–17.

¹¹³ 'in artibus alique sunt superiores, alique inferiores, ut sicut est quedam ars facere frena, ita est quedam ars scire uti milicia, et hee due artes non comparantur ad paria, sed est ars sub arte, ut frenifactiva est sub militari, ut frenifactiva tale facit frenum, qualem expedit militi [...]. Famulatur [...] frenifactiva militari materiam sibi preparando, et ut sibi materiam paeparat, se et sua ad militarem ordinat': Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 6, pp. 116–19.

¹¹⁴ Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 6, pp. 118–21.

temporal power is less universal; it prepares the matter for the spiritual power; and it does not reach what is best as the spiritual does.¹¹⁵ The effect of Giles's move is clear: lay power cannot escape this order, its role being defined by its subordination to a higher authority.

A further distinctive feature of Giles's argumentation is the use he makes of the word bridle-making (*frenifactiva*). As we have seen, the hierocratic authors employed this term taken from the *Ethics* to illustrate the subordination of one craft to another on account of its inferior end. In contrast, and surprisingly, Giles employs the term bridle-making in a metaphorical sense. Taking into account the very meaning of the verb 'to bridle' — to curb, to restrain — Giles states that the temporal power's first task is to impose a bridle on laymen, so that they do not harm the Church or themselves and obey more willingly; in this way, the temporal power prepares the matter over which the ecclesiastical power exerts its jurisdiction.¹¹⁶ This use of the term bridle-making is not found in later treatises.¹¹⁷

¹¹⁵ 'In quarto vero genere potestatum, ut in principatibus [*ed.*: principantibus. We have followed Scholz's edition in this case] et gubernacionibus hominum, dicemus omnes has tres causas simul concurrere. Dicemus enim quod potestas et principatus terrenus debet obsequi et famulari potestati et principatui spirituali propter omnia prefata tria: et quia particularior, et quia materiam disponens et preparans, et quia non ita appropinquat nec attingit optimum potestas hec sicut illa': Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 6, pp. 120–21.

¹¹⁶ 'Si omnes enim essent ita perfecti [...] quantum ad patientes iniuriam forte non esse opus iusticie terrene. Sed quia non sunt omnes ita perfecti [...] opus fuit instituere potestatem terrenam [...] disponunt et preparant (*scilicet*: principes terreni) materiam principi ecclesiastico. Illi ergo salvant iusticiam in rebus temporalibus et materialibus, ut salvetur pax mentis et tranquillitas in rebus spiritualibus, ut ille qui spiritualiter dominatur possit liberius dominari. Sicut ergo frenifactiva, imponens frenum equo, preparat equum militi, ut ei liberius famuletur, sic potestas terrena, imponens frenum laicis ne forefaciant in ecclesiam nec in se ispos, disponit eos, ut potestati ecclesiastice liberius sint subiecti [...]. Patet ergo quod terrena potestas et ars gubernandi populum secundum terrenam potestatem est ars disponens materiam ad dispositionem ecclesiastice potestatis. Quare, sicut frenifactiva supponitur militari [...] sic ars dominandi secundum terrenam potestatem et ipsa terrena potestas debet sic esse subiecta potestati ecclesiastice ut seipsam et omnia organa et instrumenta sua ordinet ad obsequium et ad nutum spiritualis potencie': Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 2, c. 6, pp. 126–29.

¹¹⁷ In his introduction to the critical edition of James of Viterbo's *De regimine christiano*, Dyson assumes the chronological priority of Giles of Rome's *De ecclesiastica potestate* over James of Viterbo's tract on the grounds that 'James's choice [...] of bridle-making as an example of an art ordered to the end of a higher art, and his use of the somewhat unusual term *frenifactiva*, reflects the similar remark of Aegidius at *De ecclesiastica potestate* 2:6 (though both authors of

More than twenty years later, more precisely in 1326, in the context of the controversy following the imperial election of Ludwig of Bavaria (d. 1347) and the composition of Marsilius of Padua's *Defensor pacis*, the Augustinian William Amidani of Cremona wrote the *Reprobatio errorum*. Amidani draws extensively on Giles of Rome from whose work he reproduces lengthy passages.¹¹⁸ He supports both papal supremacy *in temporalibus* and the idea that the pope is the efficient cause of temporal power,¹¹⁹ which he associates with imperial power.

Nonetheless, in the second question of the *Reprobatio*, the fourth argument adduced by Amidani presents the same restrictions put forward by John regarding the use of the hierarchy of ends, though with a different purpose. The powers aiming at a particular end hold the right to exert their authority over inferior powers directed to inferior ends; however, this is done in a limited way (*quoad aliquid*) according to what is required to reach that end. In this sense, the common soldier does not have any rights over the foot soldier and cannot dismiss him, because he does not appoint him; their efficient cause is an authority superior to both.¹²⁰ The king, however, who represents this superior authority and aims at the common good, has the right to judge and punish, and even to dismiss his subject, if he considers him not fitted to the practice of his duty. Likewise, if the king does not aim at the common good of Christianity or if he

course have in mind Aristotle, *Nicomachean Ethics* I.1, 1094a10): James of Viterbo, *De regimine christiano*, ed. and trans. by Dyson, p. xxi. Nevertheless, as Dyson himself acknowledges, the term *frenifactiva* is present in the *Ethics* and was therefore well known to medieval readers. More important than the presence of a given word is how each author used the argument in his work, and as we have seen, Giles and James used it in very different ways.

¹¹⁸ By way of example, see the section in which William argues that all the temporal goods have to be submitted to ecclesiastical jurisdiction. The passages in which he affirms that the *generatio carnaliter* is not a sufficient condition to receive paternal bequest are taken from Giles; compare with note 58 above and William Amidani of Cremona, *Tractatus cuius titulus Reprobatio errorum*, ed. by Mac Fhionnbhairr, pp. 7–9.

¹¹⁹ See for instance William Amidani of Cremona, *Tractatus cuius titulus Reprobatio errorum*, ed. by Mac Fhionnbhairr, pp. 51–53, lines 287–348; pp. 89–90, lines 257–72.

¹²⁰ 'Licet enim particulares artifices, qui habent sub se alios artifices, ratione suorum finium possint inferioribus imperare quoad aliquid et quantum ad exigentiam facit suorum finium, non tamen possunt ipsos deponere totaliter. Unde miles non potest deponere peditem et sententiarum ipsum quod numquam facit frenum, et multo minus miles potest deponere ducem vel comitem, immo nec in aliquo habet sibi imperare': William Amidani of Cremona, *Tractatus cuius titulus Reprobatio errorum*, ed. by Mac Fhionnbhairr, p. 47, lines 137–43. We have altered the punctuation slightly.

goes against the faith, the pope has the right to dismiss him on account of the king's inability to achieve the end aimed at by his superior.

The use of causality runs all through the *De potestate papae* genre. Although these treatises principally highlight the final cause, a number of them deal with the relationship between the two powers using the four causes. The anonymous work known as *Rex pacificus* is an earlier example of this approach,¹²¹ its main purpose being to invalidate the hierocratic argument, used as early as James of Viterbo in his quodlibetal question, that the effects pre-exist in the causes (*quae sunt causatorum insunt causis*). For the anonymous author, the principle is incorrect with respect to all the four causes. As with the material and the formal cause: matter is pure potentiality, while the compound of matter and form involves actuality; the form is simple, unlike the compound. Concerning the efficient and the final cause: the sun is an efficient cause of everything generated on earth, including moisture and vegetation, elements of which there is no trace of in the sun; moreover, the motion and the imperfection which exist in what tends to an end disappear as soon as the end is reached, because the end is tantamount to rest and perfection.¹²² The hierocratic argument *quae sunt causatorum insunt causis* is for each one of the four causes *simpliciter* false. It can be true insofar as the causal relationship is further elucidated; for instance, by determining that this relationship is *secundum relationem* or *secundum virtutem*.¹²³

¹²¹ The editor of this work dates it to sometime between 1296 and 1303: Anonymous, *Quaestio de potestate papae (Rex pacificus)*, ed. and trans. by Dyson, p. xvi.

¹²² 'quando dicitur quae sunt causatorum insunt causis, potest dici quod quadruplex est causa: videlicet, materialis et formalis, et istae duae sunt intrinsecae; aliae duae sunt extrinsecae, videlicet, efficiens et finalis. Si ergo intelligatur istud verbum de causa materiali, non est verum. Materia enim, quantum est de se, non est nisi potentia pura, et ideo actus, qui sunt in composito, non insunt causae materiali. Similiter etiam de formali. Forma enim de se est simplex, et ideo ea quae in composito sunt, compositionem habentia, non debent dici esse in forma, quia iam non esset simplex. De efficiente vero causa, videmus etiam nos aliqua esse in causato quae non sunt in causa. Sol enim causa effectiva est istorum terrae nascentium, et tamen in eis invenitur humiditas, viriditas et alia de quibus certum est quod in sole non sunt. De finali etiam causa, finaliter patet non esse verum. Nam in his quae ad finem sunt invenitur motus et imperfectio; in fine vero quies et perfectio inveniuntur': Anonymous, *Quaestio de potestate papae (Rex pacificus)*, ed. and trans. by Dyson, p. 47.

¹²³ 'Propter quod illud verbum non potest intelligi simpliciter, quae sunt causatorum insunt causis, nisi fiat aliqua additio, utpote secundum relationem vel secundum virtutem, ut in causa efficienti [*ed.*: efficientis], vel secundum intentionem, ut in causa finali': Anonymous, *Quaestio de potestate papae (Rex pacificus)*, ed. and trans. by Dyson, p. 47.

This elucidation is later made by Francis of Meyronnes in the 1320s. According to this Franciscan, the assertion that the effects are already in the causes is valid only if we add, in the case of the efficient cause, the clause *secundum virtutem*; in this sense, the spiritual power has in itself *virtualiter et supereminenter* the temporal power of which it is indeed its efficient cause.¹²⁴

Francis of Meyronnes employs the four causes scheme in two of his works, the *Tractatus de principatu temporalis* and the *Quaestio de subiectione*.¹²⁵ His line of reasoning is similar in the two texts. For Francis, the fact that the *princeps spiritualium* presides over the *princeps temporalium* is not something that needs to be demonstrated. It is a premise whose validity is based on an idea refuted by John of Paris, the constitution of temporal power by the spiritual power.¹²⁶ If this premise is accepted, any discussion over the efficient cause is unnecessary. Note, however, that Francis's major aim is to assert that the spiritual power includes authority *in temporalibus*. He supports this idea by using the maxim that 'whatever is the cause of the cause is the cause of what is caused'.

Regarding the other three causes, Francis at all times applies the same reasoning: whenever two *principatus* stand related and one is subordinate to the other, the one that rules the inferior order must submit itself to the one that leads the superior order. The subordination of one to the other is grounded in the superiority of each one's matter (spiritual power concerns man's highest faculty, his reason which tends to the eternal, while temporal power relates to external goods, which are associated with man's lowest faculties), form (spiritual power abides by divine law, while temporal power by human laws; further, political virtues, prudence and justice, are subordinate to higher theological virtues such as faith and divine justice), and end. Francis employs the example of bridle-making and the hierarchy of the crafts as used by earlier hierocratic authors,¹²⁷ an example that he had already used in his commentary on the *Sentences*.¹²⁸

¹²⁴ Francis of Meyronnes, *Tractatus*, ed. by Lapparent. For a further critical edition, see Francis of Meyronnes, *Tractatus*, ed. by Baethgen.

¹²⁵ The *Quaestio de subiectione* is also edited in Francis of Meyronnes, *Tractatus*, ed. by Lapparent, pp. 76–92.

¹²⁶ Francis of Meyronnes, *Tractatus*, ed. by Lapparent, pp. 62–63; Francis of Meyronnes, *Tractatus*, ed. by Baethgen, pp. 124–25.

¹²⁷ Francis of Meyronnes, *Tractatus*, ed. by Lapparent, pp. 63–66. The same statements are found in Francis of Meyronnes, *Quaestio de subiectione*, ed. by Lapparent, p. 81 onwards.

¹²⁸ 'Quandocunque aliquae sunt potestates ordinate inter se, illa quae est de fine preest et debet preesse et principari illi quae est circa ea quae sunt ad finem, sicut patet de architectonica respectu aliarum, et de militari respectu frenefactiue; sed directio morum et actuum circa actus

Francis refers to this argument in a more detailed way when he deals with the views of those authors who argue that the temporal power is subordinate to the spiritual only *in spiritualibus* but not *in temporalibus*. Francis does not specify who exactly his targets are, using the expression *dicunt quidam*, the typical medieval way of referring to an adversary. Scholarship had long considered that his target was Dante, but this view has been abandoned.¹²⁹ It is more plausible to regard John of Paris as his target, at least as far as Francis's criticism of a specific interpretation of the bridle-making argument is concerned.

As we have seen, John restricted the hierarchy of ends by arguing that the subordination of one power to another on account of the subordination of one end to another is only applicable to what is necessary to achieve the end. For instance, the bridle-maker is subordinate to the horse's rider exclusively in his work of producing bridles, not *simpliciter*. While John restricted the hierocratic argument, Francis completely overturns John's restriction, using the very restriction insisted on by John to his own advantage.

Francis's argument is simple: whenever two powers are subordinated one to another in the same way as what tends to an end is subordinate to that end, the subordination of the former to the latter ought to concern that for which it is subordinated; the man who makes bridles is not subject to the man that takes care of the horses except insofar as he produces bridles for him. Likewise, the temporal is subordinate to the spiritual as long as it is temporal, which means that it is subordinate *in temporalibus* and not *in spiritualibus*.¹³⁰ A subordination of the temporal power *in spiritualibus* would mean that the temporal would be subordinate according to something which is not specific to it. It would thus be

politicis ordinatur ad virtutes supernaturales. Cum igitur temporalia ordinentur ad spiritualia, papa autem preest spiritualibus, sequitur et cetera': Francis of Meyronnes, *In quatuor libros Sententiarum*, IV, dist. 19, q. 4, fol. 207^r.

¹²⁹ See Cheneval, *Die Rezeption der Monarchia Dantes*, pp. 187–94.

¹³⁰ 'Dicunt quidam, istam rationem solvere satagentes, quod ista ratio bene evidenter concludit quod princeps temporalium debet esse subjectus principi spiritualium in spiritualibus, non tamen in temporalibus. Istud autem dictum fortificat rationem, quod patet deducendo rationem sic: quandocumque aliqua facultas ordinatur ad aliam sicut ad finem, ille qui principatur in eo quod est ad finem debet subesse alteri in eo in quo ordinatur ad ipsum sicut ad finem; sed princeps temporalium in temporalibus ordinatur ad principem spiritualium sicut ad finem; ergo, cum temporalia sint propter spiritualia, ergo in temporalibus subest. Et confirmatur quia frenorum fabricator non subicitur principi equorum nisi in frenorum fabricatione per modum finis; et ita in proposito principatus qui est temporalium sicut ille frenorum': Francis of Meyronnes, *Tractatus*, ed. by Lapparent, pp. 66–68; Francis of Meyronnes, *Tractatus*, ed. by Baethgen, pp. 127–30.

contradictory to the principle according to which *operatio sequitur esse*, because it would mean allowing an operation which would not be consonant with the being of the operator. In other words, the bridle-maker would not be subordinate to the horse's rider because he produces bridles for horses, but on account of some other feature which does not define his activity of making bridles. For John of Paris this means that the bridle-maker is not absolutely and in all things subordinate to the horse's rider, and the same holds for the temporal and the spiritual powers; for Francis it means that the temporal is subordinate to the spiritual precisely in what defines it, that is, *in temporalibus*. In this way, the temporal power lacks any autonomy.

The same argumentative structure with the same conclusion is found in the *Libellus contra infideles et inobedientes et rebelles sancte Romane ecclesie ac summo pontifici* by the canonist Egidius Spiritualis of Perugia.¹³¹ With the exception of some omissions and additions and a number of different examples, Egidius only changes the arrangement of the contents: what Francis states on the formal cause, Egidius affirms for the material cause; the examples adduced by Francis to illustrate one cause turn up in Egidius's text as examples regarding another cause. All the rest is equivalent, sometimes literally, including the criticism of previous authors.¹³² It is more likely that it is Egidius who depends upon Francis of Meyronnes than the reverse. Francis used this argument in more than one work, and he was trained in philosophy, while Egidius was a canonist; finally, Egidius wrote after 1323, while Francis's works have been dated to the first years of the 1320s.¹³³

Francis's (or Egidius's) argument proved influential. The fifteenth-century Franciscan Augustine of Ferrara reproduces it in his *Quaestio de potestate papae*. Interestingly, this author not only copies a section which aimed at criticizing John

¹³¹ The work is partially edited as Egidius Spiritualis of Perugia, *Libellus*, ed. by Scholz.

¹³² 'Dicunt tamen aliqui quod iste rationes optime concludunt principem temporalium debere esse subiectum principi spiritualium, et hoc quidem dicunt esse verum in spiritualibus, non in temporalibus. Istum autem dictum declarat propositum, tum quia, cum arguitur de fine secundario, subicitur id quod est ad finem secundum quod ordinatur in finem, sed principatus temporalis quoad temporalia ordinatur ad spiritualia sicut ad finem, ergo quoad temporalia subicitur': Egidius Spiritualis of Perugia, *Libellus*, ed. by Scholz, II, 126.

¹³³ For the date of Egidius's *Libellus*, see Egidius Spiritualis of Perugia, *Libellus*, ed. by Scholz, II, 44. Cheneval provides an overview of the scholarly debate on the date of Francis's works: Cheneval, *Die Rezeption der Monarchia Dantes*, p. 187.

of Paris, but also great portions of the *De potestate papae* by Henry of Cremona, the main target of John of Paris.¹³⁴ It is as if John's ideas were silenced twice.

* * *

Undoubtedly, the *De potestate regia et papali* did not provoke the same reaction as the *Defensor pacis*, against which some *De potestate papae* works were composed. This can be explained by the fact that, unlike Marsilius, John did not maintain that the Church should be politically subject to the temporal power. From Marsilius's point of view, John of Paris still agrees with the hierocratic side in some points.

Actually, John and his opponents shared the same doctrinal background and used the same discourse. This is also strengthened by the fact that the greatest part, if not the whole, of the *De potestate regia et papali* consists of a response to arguments advanced by hierocratic authors. What distinguishes John is his attempt to delineate a sphere of complete autonomy for the lay political power. This explains why he concentrates on James of Viterbo's quodlibetal question. There James introduces political power into papal power by evoking the principle according to which whatever is in the effect is already present in the cause. For John of Paris, this view entails a diminution of creation itself: the effects do not hold in themselves anything specific of their own. This is why he rejects the use of Aristotle's example of the Delphian knife and underlines that every tool has a specific task for which it has been produced. This is also why he states that the pharmacist is not completely subordinate to the physician, but only insofar as he prepares medicines, that is, only with regard to a specific feature. John does not invalidate causation; he only specifies it more closely, and by doing so, he restricts the range in which it can be employed.

For John it is not enough to assert that temporal power represents an inchoative state which is perfected by another authority or even that it has a distinct end or a certain degree of autonomy.¹³⁵ Rather, it is necessary to establish a spe-

¹³⁴ This work is edited as Augustine of Ferrara, *Quaestio de potestate papae*, ed. by Piana. Piana shows Augustine's dependence upon Henry of Cremona at pp. 253–55. The section copied from Francis of Meyronnes or Egidius Spiritualis is the sixth conclusion of the *quaestio*: *ibid.*, pp. 272–73.

¹³⁵ Such statements can be found in Francis of Meyronnes, who follows James of Viterbo on this point: 'Sicut virtutes politice sunt informes, nisi sint subiecte virtutibus theologicis, ita principatus temporalium est informis, nisi principi spirituali sit subiectus', Francis of Meyronnes, *Tractatus*, ed. by Lapparent, p. 65; Francis of Meyronnes, *Tractatus*, ed. by Baethgen, p. 126.

cific end and means for political power which are of themselves good and desirable. It is hard not to recognize the influence of the *Politics* here.¹³⁶

The *De potestate papae* works dealt with arguments from different fields, but, as far as the use of causality is concerned, James of Viterbo appears to be the author who settled the terms of the debate and who was more influential in immediately subsequent works. It is striking that many authors, including Dominicans, continued to use the bridle-making argument advanced by James without considering John's refutation of it. Some hierocratic authors, however, seem to reply to John's arguments or at least to formulate their own arguments with John's ideas in mind. This is the case for Giles of Rome on the use of the analogy between body/soul and the two powers; James of Viterbo's idea that political authority is not merely corporeal but can be understood as spiritual (a formulation not present in his quodlibetal question) and his thesis on the necessary ratification of lay power by the Church; William of Sarzano's insistence that simultaneous causation does not annul the intrinsic dignity specific to the effects; William Amidani of Cremona's use of John's version of the bridle-making argument; and Francis of Meyronnes's (and Egidius Spiritualis of Perugia's) reformulation of John's restriction of the use of the same argument. John probably had some influence over anti-hierocratic writers, such as Cardinal Lemoine and the Dominicans Bernard of Auvergne and, principally, Peter of la Palud, but, for causality, his arguments do not always coincide with those of other anti-papalists, such as the anonymous authors of the *Quaestio in utramque partem* and of the *Rex pacificus*.

In the second decade of the fourteenth century, the debate began to shift from the relationship between the two powers to the relationship between the

¹³⁶ Note that one of the main features of the medieval reception of the *Politics* is the view that all the political regimes, with the exception of tyranny, have a certain degree of goodness and that every political institution is good, whether *simpliciter* or *secundum quid*. On this, see Toste, 'The Naturalness of Human Association'. This is not to say, however, that medieval political thought integrated the *Politics* in one single way. Quite the contrary; Aristotle was used in multiple and distinct ways. This can be seen in an interesting anonymous text entitled *De potestate ecclesie*: Anonymous, *De potestate ecclesie*, ed. by Leclercq. The author uses the four causes scheme and, more importantly, relies on the *Politics* and to some extent on the *Metaphysics* to reject the idea that the two powers are distinct in species, an idea that he characterizes as a paralogism. His use of the *Politics* is noteworthy, as he applies to the *politia Christiana* ideas outlined in the seventh book of Aristotle's *Politics* on the organization of the best polity and more specifically on the role of the priesthood in the perfect commonwealth. The unity of this *politia Christiana* is not compromised by the presence of a *potestas secularis* together with one *ecclesiastica*; it is rather the guarantee that one is subordinate to the other: 'Diversitas finium ordinatorum ad invicem magis arguit unitatem principatus quam diversitatem', *ibid.*, p. 517.

pope and the cardinals. In this issue, the bridle-making example was not so useful, as the end of the pope and the cardinals is the same, that is, spiritual. It is not found, for instance, in the Dominican William of Peter Godin's *Tractatus de causa immediata ecclesiastice potestatis*, from 1317. Similarly, the discussion of efficient causation changed: the analogy of the two powers to the body and soul is meaningless in the context of the relationship between the pope and the College of Cardinals, but the discussion of whether a power which stands in an inferior rank to the pope (here, the Church's prelates and no longer the secular king) is immediately caused by God remains essential. For this reason, efficient causation continued to be discussed, as is attested by Hervaeus Natalis's *De potestate papae*.¹³⁷

The hierarchy of ends and the bridle-making example were nevertheless too attractive in a worldview in which teleology was primordial. The bridle-making analogy continued to be quoted in late scholasticism, by authors such as Francisco de Vitoria¹³⁸ and Robert Bellarmine, who dismisses the analogy: if riding did not exist, bridle-making would be useless; in the case of political authority, if spiritual power did not exist, political power would still be necessary; indeed, political power does not exclusively serve spiritual power and can exist independently, as it does among infidels, where political authority can be found.¹³⁹ As we see, three hundred years later, in the age of emerging absolutism in which the autonomy of political power was a reality, an author defending the pope's (limited) right to intervene in temporal affairs came close to John's ideas.

¹³⁷ Hervaeus Natalis, *De potestate papae*, especially pp. 373–77. On Hervaeus's use of causality, see Briguglia, 'Jurisdiction et causalité politique', especially pp. 79–86; reprinted in Italian with slight changes as Briguglia, 'Giurisdizione e causalità politica', especially pp. 338–42.

¹³⁸ Vitoria, *De matrimonio*, ed. by Horst, Justenhoven, and Stüben, part 2, p. 546. Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 157, argues that Vitoria was influenced by John of Paris, but this needs further investigation.

¹³⁹ Bellarmine, *De Romano pontifice*, v, c. 6, p. 1069. Leclercq had already indicated that Bellarmine mentions John of Paris, though he does not include the bridle-making analogy: Leclercq, *Jean de Paris et l'ecclésiologie du XIII^e siècle*, p. 157.

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FRIAR LUDOVIC OF STRASSOLDI, 'AUTHOR' OF THE *DE POTESTATE REGIA ET PAPALI* IN 1434

Martin J. Cable

The manuscripts of the work for which the fourteenth-century Dominican theologian John Quidort of Paris is now most famous can be easily and briefly enumerated. Some thirty copies of his *De potestate regia et papali* are known to have survived,¹ of which almost certainly the most unusual are the two copies made in the fifteenth century by the Franciscan humanist and inquisitor Ludovic of Strassoldo.² In the summer of 1434 he prepared an extraordinary version of John's work which transformed it from a tract on royal and papal power into a humanist dialogue in which Strassoldo depicted himself and his friend, the humanist and politician Francesco Barbaro, in conversation in the former's monastic cell at the *Frari* in Venice but with the substance of their discussion being a verbatim copy of John of Paris's original tract.

Just like the well-known short story by Jorge Luis Borges in which a twentieth-century symbolist, Pierre Menard, rewrites several chapters of Cervantes's *Don Quixote* as an entirely new work authored by himself, but in fact taken word-for-word from Cervantes's original text,³ so Strassoldo copied the text of John of Paris's tract word-for-word and published it as his own newly written work in which John's arguments were made to look like Strassoldo's extemporized views on royal and papal power as told to an appreciative, if somewhat pas-

¹ Kaepelli, *Scriptores ordinis praedicatorum*, II, 517.

² BL, Add. 19063 and BAV, Chigi. D iv 97.

³ Borges, 'Pierre Menard'.

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sive, Barbaro. A decorated copy of this dialogue was then made, written in the best of humanist scribal hands, which Strassoldo intended to give to Emperor Sigismund (r. 1411–37).

In contrast therefore to theologians from the generation immediately prior to Strassoldo's, who had often incorporated sections of John's text in a straightforward, unadulterated way into their own works in order to address questions like those posed by the Great Schism,⁴ Strassoldo used John of Paris's *De potestate regia et papali* essentially in a dramatic way and as a means to procure patronage.

Strassoldo's dramatic reimaging of John of Paris's *De potestate regia et papali* as a dialogue was not, however, his only work. Over the course of something like a decade beginning in 1431 the Franciscan penned not one but *three* dialogues, all of which adhered to the same basic model. Strassoldo would take an existing work like John's and use it to give conversational substance to his depiction of a convivial meeting between his friends or would-be friends. While stationed at the Franciscan convent in Zadar in 1431 Strassoldo thus composed a dialogue which was, in large part, a verbatim copy of three *Quaestiones* contained in the thirteenth-century Franciscan Peter John Olivi's *De perfectione evangelica*.⁵ He then sent the completed work to the recently elected pope, Eugenius IV (r. 1431–47), signalling in the dialogue's closing pages that it was also his intention to write a work dedicated to royal and papal power. Three years later Strassoldo fulfilled that promise when he wrote his dialogue version

⁴ Pierre d'Ailly is the best-known example: Oakley, *The Political Thought of Pierre d'Ailly*, p. 45. Jean Gerson also knew John's work. Other less well-known figures during the schism who knew the *De potestate*, although probably through d'Ailly, included Job Vener, a young jurist in the imperial circle who had studied in Paris and in Italy, and who is the leading candidate for the author of the remarkable theory of 'real obedience' which took an essentially territorial perspective on the rival 'obedience' communities into which the schism had divided the Church: Heimpel, *Die Vener von Gmünd und Straßburg*, I, 791. On this theory, which presaged the religious peace agreements of the sixteenth century by determining the legal status of the religious community to which one belonged on the basis of the territory where one lived, see Cable, 'Cuius Regio, eius ... Papa?.'

⁵ Eckermann, *Studien zur Geschichte des monarchischen Gedankens*, p. 19. The tract is edited in Ziliotto, 'Frate Lodovico da Cividale'. The Olivi works used by Strassoldo during his dialogue are 'An romano pontifici in fide et moribus sit ab omnibus catholicis tamquam regule inerrabili obediendum', Question XII, Ziliotto, 'Frate Lodovico da Cividale', pp. 165–71; 'An papa possit renunciare papatu', Question XIII, *ibid.*, pp. 175–78, 180–83; 'Quod papa possit ab omni voto dispensare', Question XIV, *ibid.*, pp. 179, 183–85.

of John of Paris's tract.⁶ At some point after 1438 and, importantly, with a less centre-stage approach to portraying his own place in the debate, Strassoldo then completed his trilogy of dialogues with a work set in Crete in which his friends there, including the Greek poet Marinos Falieros, discussed the science of water.⁷ This third dialogue was also a copy of an earlier writer's work. At first sight it could appear that this writer was Seneca, since the dialogue clearly draws heavily on his *Quaestiones naturales*. However the presence in the dialogue of medieval Arabic authors alongside Seneca indicates that Strassoldo was actually using a much later work as his source.⁸ This can now be identified as Albertus Magnus's *Meteora*, a work which itself contains extensive verbatim quotation

⁶ Eckermann also identified Strassoldo's second dialogue as being a copy of John of Paris's tract: Eckermann, *Studien zur Geschichte des monarchischen Gedankens*, pp. 18–21. The source of Strassoldo's dialogue was observed independently by Campana, 'Un nuovo dialogo di Lodovico di Strassoldo'.

⁷ Strassoldo's *Symposium de natura aquarum* is preserved in a single manuscript: Milano, Bib. Ambrosiana, H52 Sussidio, fols 74^r–89^v. Strassoldo refers to himself in the dialogue as provincial minister for Romania (i.e. for the Greek world), being in Crete because of his office and meeting the men who will take part in his dialogue. Strassoldo became provincial minister in 1438, and his comments about meeting his new friends for the first time would suggest that he composed his dialogue shortly after his arrival on the island. The friends appearing in the dialogue included Niccolò Dandolo, whom Strassoldo clearly knew well as the Franciscan states that he was godfather to Niccolò's son, Fantino. It is Dandolo who extracts Strassoldo from his monastic cell at the beginning of his dialogue in order to introduce him to the other speakers: Georgio Dono, Francesco Mudazzo, and Marinos Falieros. All the men were from leading Veneto-Cretan families. Falieros was one of the leading landowners in central and eastern Crete and a poet and writer who had composed several Greek works in the decade immediately before Strassoldo included him in his dialogue: Van Gemert, 'Literary Antecedents'. Georgio Dono is known to have been connected to the Franciscans in Crete: in 1448 he was one of those tasked by the Venetian authorities with preparing an inventory of books at the main monastery on Crete where Strassoldo probably stayed: Hofmann, 'La biblioteca scientifica', p. 347. It is of interest that despite his contacts with Greek scholars like Falieros in Crete and Strassoldo's own known abilities in the language that he nevertheless wrote his dialogue in Latin. This could indicate that it was the Venetian great and good on the island who were the intended recipients of his work or that, as in his earlier dialogues, he wrote at speed and had little inclination to attempt a translation of Magnus's work into Greek. There is also the possibility that the use of Greek might not have been something that was encouraged in a Franciscan convent in Crete which, less than a generation before, had been the scene of a controversy when the convent had permitted both Orthodox and Catholic rituals to be celebrated at the site; on this, see Thiriet, 'Le zèle unioniste d'un franciscain crétois'.

⁸ For example, the use of Abu Ma'shar and Avicenna at Milano, Bib. Ambrosiana, H52 Sussidio, fol. 81^v. The quotations, however, come directly from Albertus Magnus's *De aquis*: cf. Albertus Magnus, *Opera omnia*, ed. by Borgnet, IV, 570.

from Seneca.⁹ Specifically, Strassoldo had taken two tracts from the second book of Magnus's *Meteora*, the *De origine fluminum* and *De aquis*, and turned them into a dialogue, with his friends on Crete being made to argue points which were in fact either Magnus's or his own citations from other authors like Seneca, Abu Ma'shar, or Zeno.¹⁰

Even by the very different standards of the fifteenth century, then, there can be little doubt that Ludovic of Strassoldo was a serial plagiarist. In each of his three dialogues he was evidently quite happy to take the works of others and pass them off as his own, even if the original text had been mutated into a dialogue whose descriptive setting and polite, preliminary discussions were Strassoldo's own handiwork.

To a certain extent one can excuse Strassoldo's extraordinary behaviour by considering his work in the context of the long Franciscan scribal tradition, as well as by acknowledging the partial epistolary origins, and therefore essentially ephemeral nature, of the dialogue itself as a literary form. In copying out vast passages from older texts, Strassoldo was in some ways simply acting like a monastic scribe; while the simultaneous translation that he clearly performed as he hastily corrected the 'scholastic' Latin of the original texts to give them a slightly more refined humanist style (particularly with regard to word order) also fit with a Franciscan tradition of translating and 'modernizing' older texts. One can consider, for example, Giovanni da Serravalle and Antonio d'Arezzo, who both studied at the Franciscan *studium* in Florence and prepared Latin translations of Dante and Boccaccio respectively.¹¹

⁹ In the opening section of his dialogue, for example, Strassoldo appears to quote at length from Seneca, putting his words into the mouths of one of his dialogists. These Senecan arguments are then refuted by another member of Strassoldo's group. This rejection of Senecan ideas comes, however, directly from Albertus Magnus: Milano, Bib. Ambrosiana, H52 Sussidio, fol. 76^v; cf. Albertus Magnus, *Opera omnia*, ed. by Borgnet, IV, 548.

¹⁰ The part of Strassoldo's dialogue in Milano, Bib. Ambrosiana, H52 Sussidio, fols 75^v–79^r thus corresponds to Magnus's *De origine fluminum* as it appears in Albertus Magnus, *Opera omnia*, ed. by Borgnet, IV, bk. II, pp. 545–62. By means of a short conversational interlude, Strassoldo then, from fol. 79^r of the Milan manuscript onwards, conjoins this work with Magnus's *De aquis* (Albertus Magnus, *Opera omnia*, ed. by Borgnet, IV, bk. II, pp. 563–86). In the process of linking the two texts, Strassoldo has arguments from Zeno as recorded by Magnus put into the mouth of his friend Francesco Mudazzo.

¹¹ Arezzo's lectures in 1429 on Dante were so popular that a Florentine chronicler reported that he had to repeat them in two different districts of the town: Del Corazza, 'Diario fiorentina', p. 281.

The underlying epistolary connections of the dialogue are also brought out by the evidence of the pace with which Strassoldo often wrote his three works as he rushed to send them to his intended patrons. In his first dialogue, for instance, Strassoldo mentions how his fellow friar Mariano of Zadar is about to depart for Rome carrying the dialogue to present to Eugenius IV. The feel is very much of a literary work gradually giving way to an epistolary one towards the end of that dialogue. This is a reminder of how the tradition of early humanist dialogues partly emerged as an extension of letter-writing between friends.

What we have then with Strassoldo is a humanist somewhat removed from the first rank but who was nevertheless keen to ape the latest literary developments. His choice of subject matter in his first two dialogues, for instance, fits very well with prevailing fashions in the early 1430s. Like Poggio Bracciolini or Lapo da Castiglionchio, Strassoldo clearly had a preference for addressing moral or political themes in his dialogues of that period. Unlike them, however, Strassoldo populated his dialogues not with his own imagined conversations about avarice, the papal curia, or the unhappiness of princes, but with arguments taken directly from older texts.¹² The similarity between the type of material which the Franciscan Strassoldo felt suitable to present to his readers and contemporary literary trends is, however, even more interesting when one considers the known interest of humanist writers like Poggio in ongoing debates within the Franciscan movement like the widening Conventual/Observant division in the order. Poggio's 1429 dialogue, *De avaritia*, for example, was informed by those debates and begins with its characters being prompted to discuss the subject of avarice by a recent sermon of the Franciscan reformer San Bernardino. Lorenzo Valla's *De vero falsoque bono*, begun in 1431, also features another prominent Franciscan — and humanist in his own right — Antonio Rho as the arbitrator of the discourse. A recent clarification about Strassoldo's biography emerging from the study of a letter by Francesco Filelfo has, however, shown the extent to which he too was in touch with leading humanists of the day at this time and immediately prior to his own foray into the literary form.

¹² Strassoldo was not, however, alone in being comfortable plagiarizing the work of others at this time. Pietro del Monte, as we shall see below, and Piccolomini both authored similarly plagiarized or semi-plagiarized works. Indeed the extent to which this was common practice could lead one to talk of the existence of an entire subgenre of the fifteenth-century dialogue.

The Filelfo Letter

The biographical clarification relates to remarks made in June 1428 by Francesco Filelfo in a letter to his fellow humanist Ambrosio Traversari in Florence. These comments have hitherto been thought to refer to a fellow friar, Ludovico da Pirano; however Antonio Calandrini and Gian Michele Fusconi have shown that Filelfo was in fact discussing Ludovic of Strassoldo.¹³ In his letter Filelfo had informed Traversari that Strassoldo would soon be in Florence and had commended the Franciscan's humanist credentials: unusually for a member of his order, Filelfo said, Strassoldo was an outgoing individual and was learned in both Greek and Latin.

The comments in this letter and other evidence which can be linked to it add some important details to what is known about Strassoldo's life and work. Firstly, as Calandrini and Fusconi point out, it is likely that the reason Strassoldo was going to Florence in 1428 was that he was about to become its new inquisitor. A Franciscan named 'Ludovic Bernardi of Friuli' appears in a separate document from September 1428 as a new inquisitor in Florence appointing his vicar general, Francesco Guiglielmi d'Alverna,¹⁴ and it is very likely that Strassoldo was this inquisitor. The appointment of vicars to help shoulder the burden of office by new inquisitors was very much standard practice. Two years before, the inquisitor Giuliano di Luca had used the same terminology in the document in which he appointed his vicar in Florence.¹⁵

Any doubts which remain about whether the new inquisitor in 1428 and Strassoldo were one and the same man can be dispelled firstly by noting that the name Bernardo, as we will see below, was a prominent ancestral name in the line of the Friulian family to which Ludovic of Strassoldo belonged. Furthermore, an appointment in Florence would fit both with what is known about Strassoldo's career in general and with the policy of rotation amongst Franciscans for the job of inquisitor, which friars were only supposed to hold for a period of two years at a time.¹⁶ Giuliano di Luca, for instance, whom Strassoldo would have replaced in Florence in 1428, would effectively swap places with him when,

¹³ Calandrini and Fusconi, *Forlì e i suoi vescovi*, II, 522–24.

¹⁴ Piana, 'Silloge di documenti', p. 59. The document is Bologna, Arch. di Stato, Sez. Demaniale, S. Francesco 346/5089, no. 29 (now: no. 39).

¹⁵ ASE, Diplomatico: Mercatanti, 12 July 1426.

¹⁶ The general chapter held by the order in 1430, for example, set out this rule regarding Franciscan inquisitors: Wadding, *Annales minorum seu trium ordinum a S. Francisco institutorum*, p. 159.

in 1439, he became inquisitor for the Venetian *terraferma* only shortly after Strassoldo had himself spent time as inquisitor there.¹⁷ For Strassoldo to have spent two years in Florence as an inquisitor from 1428 onwards would therefore fit with his later tenure as inquisitor in Venice and with a picture of a mobile community of suitably qualified friars (Franciscan inquisitors were supposed to have lectured in theology at a *studium*)¹⁸ spending two years at one location as inquisitor before moving on to the next posting. In 1431, for example, the man whom Strassoldo had appointed his vicar in 1428, Francesco d'Alverna, took over from him as inquisitor in Florence in his own right as a document written by the notary Neri di Dino Malaschiena, who had probably worked for both Strassoldo and his vicar, shows.¹⁹

When Francesco Filelfo told Traversari that Strassoldo had been summoned to Florence by the Franciscan minister general for a reason (*causa*) that Strassoldo would tell Traversari personally, it seems very likely then that this was because Strassoldo was to take up office as inquisitor.²⁰ Filelfo may have with-

¹⁷ Pesce, *La chiesa di Treviso*, pp. 470–71. A similar story of a Tuscan inquisitor later working at Venice is Luca di Cione of Siena, who was an inquisitor in Siena just before the arrival of Strassoldo in Florence (Tuscany had three bases from which inquisitors operated): Papini, *L'Etruria francescana*, p. 60.

¹⁸ A decree issued by a chapter in 1411 required inquisitors to have lectured in theology: Piana, *La Facoltà teologica*, p. 68. The generally high educational achievement of Tuscan inquisitors at this date can be seen in the list of inquisitors (from which Strassoldo is absent) contained in Papini, *L'Etruria francescana*, pp. 55–60. From this evidence at least it would appear that the 1411 quality control requirements for inquisitors were generally adhered to.

¹⁹ ASF, NA 17403, fols 5^v–6^v. Unfortunately, Malaschiena's notarial archive which would doubtless have included a valuable record of inquisitorial activity at this time does not survive. The fact that he acted as notary for the inquisitor is of note, however, as it indicates that lay notaries were employed locally by the inquisitor rather than necessarily using fellow friars from the Santa Croce where the inquisitor was based in Florence. In 1436/37 Malaschiena became governor of Sansepolcro on behalf of the Count of Poppi (in the Casentino). Malaschiena's short rule was characterized by the summary execution or exile of his opponents. This apparently included such vindictive measures as ordering those families before whose door Malaschiena had had a candle lit to vacate the town before the candle burnt out. In 1437 forces under Cardinal Vitelleschi retook the town and exiled Malaschiena to the count's castle at Poppi: Dragomanni, *Croniche storiche*, VII, 206–08.

²⁰ It is also possible that the *causa* to which Filelfo referred was a legal case before the minister general, Antonio da Massa, with which Strassoldo was involved. One possible candidate would be the case of alleged corruption which the Florentine merchants' court wrote to Massa about in September 1427 relating to a Franciscan from Venice. Powerless to intervene in a case relating to a Franciscan, the court which possessed strong links with — and patronage

held this information, even supposing that he knew it himself, purely to provide Strassoldo with an excuse to introduce himself to Traversari once he arrived in Florence.

We have no way of knowing if Strassoldo succeeded in befriending Traversari or penetrating the circle of well-known humanists which included men like Niccolò Niccoli and Cosimo di' Medici who gathered at Traversari's Camaldulensian monastery of Santa Maria degli Angeli.²¹ There is no reason, however, to doubt that he did. Certainly, his patron Filelfo succeeded in joining their company when, shortly after he wrote the letter recommending Strassoldo, he too arrived in Florence. Traversari's opinion of Filelfo was somewhat ambivalent,²² and it is conceivable that this could have had an effect on Strassoldo's own reception at Santa Maria degli Angeli. The fact that Filelfo also mentioned in his letter that he had known Strassoldo when he was in Constantinople may, however, have helped him. A man who was as eager to obtain Greek texts and manuscripts as Traversari would surely have been attracted by such information, irrespective of Strassoldo's links to Filelfo. Other Franciscans with contacts to the East had already helped Traversari with the provision of Greek works. The minister general Antonio da Massa, for example, who had called Strassoldo to Florence and who led the papal mission to Constantinople in 1422 to negotiate the reunification of eastern and western Christendom with the eastern emperor,²³ had brought back books for Traversari.²⁴ It seems very unlikely, therefore, that Traversari would have been uninterested in meeting a man recently returned from Constantinople like Strassoldo when he arrived in Florence and would have refused him entry to the gatherings of like-minded humanists at his monastery.²⁵

Filelfo's record of having known Strassoldo in Constantinople also fills in a gap in the known biography of the Franciscan. Filelfo was in the east from

rights towards — the Franciscans in Florence nevertheless urged Massa to reassert Franciscan values of honesty and trustworthiness with respect to the errant friar: ASF, Mercanzia 11313 (no pagination, but document dated 6 September 1427).

²¹ On the gatherings, see Martines, *The Social World*, p. 311.

²² Traversari complained in 1429 that Filelfo visited him too often and that he was prone to self-praise: Dini-Traversari, *Ambrogio Traversari*, p. 55.

²³ On Massa and his embassy, together with a justified reassessment of his career as minister general, see Brandmüller, *Das Konzil von Pavia-Siena*, pp. 91–98.

²⁴ Stinger, *Humanism and the Church Fathers*, p. 135.

²⁵ I can, however, find no reference to Strassoldo in Traversari's voluminous published correspondence.

1420 to 1427, and it must therefore have been during this time that he met Strassoldo. In his first dialogue written in 1431 Strassoldo recounts how, several years before, he had attempted to sail from Venice to Greece, but a storm had forced his ship to land in Ancona. It was while overwintering there, in what internal evidence indicates must have been either 1421 or 1422, that he met the future pope Eugenius IV and taught him the rudiments of Greek.²⁶ The evidence from Filelfo's letter indicates that this postponed journey was not the only time that Strassoldo had attempted to sail east and that, presumably on a later occasion, he had eventually succeeded in reaching his goal. We know too that Filelfo had had contact with the Franciscans in Constantinople when he resided there since he acted as the notary when the final protocol in the negotiations between the Emperor and the papal legate Massa was written in November 1422.²⁷ It may even be that Strassoldo was one of the six friars who accompanied Massa on his mission in 1422 or was among the many Franciscans accompanying Francesco Spinola in the same year.²⁸ It seems less likely that Strassoldo was in the east in 1423 as he is recorded as borrowing books from his home monastery in Cividale del Friuli in that year,²⁹ and a friar with his Christian name was also appointed to teach theology at the *studium* in the town less than a month after that and appears to have lectured until 1425.³⁰ If this was Strassoldo, and such a teaching post would fit with his later being able to meet the requirements for becoming an inquisitor, then his time in Constantinople would have had to have been either in the period 1420–23 or 1425–27, with the former possibly the more likely given the known embassies of Massa and others at that time and Strassoldo's known failed attempt to reach the city in 1421 or 1422.

²⁶ Mercati, 'Intorno a Eugenio IV', pp. 46–47.

²⁷ Filelfo attested the document as 'Franciscus Philelphus, civis Venetus, publica et imperiali auctoritate notarius': Mansi, *Sacrorum conciliorum*, xxviii, 1068. This was one of at least three documents notarized by Filelfo in Constantinople, which included the will of John Chrysoloras, written in August of the same year: Ganchou, 'Les *ultimae voluntates*', pp. 203–04, 244, 248–49, 266.

²⁸ On the two expeditions, see Matteucci, *La missione francescana di Costantinopoli*, pp. 48–49.

²⁹ Scalon, *Produzione e fruizione del libro*, p. 309. Strassoldo is recorded as borrowing three unnamed books on 15 December 1423.

³⁰ 'Fr. Alovisius' was the friar appointed on 19 November: Scalon, 'La biblioteca dei Frati Minori di Cividale', p. 64. A Dominican friar was then appointed in 1425 suggesting that the Franciscan Alovisius taught for two years at the university.

Certainly Strassoldo was no stranger to the east and clearly made the voyage along the Venetian trade routes in the Adriatic and beyond many times in his life. In addition to his aborted and successful journeys to Constantinople in the 1420s, he is known to have been in Zadar in 1431, Dubrovnik three years later, and Crete sometime after 1438. Members of his family were similarly no strangers to this expanding Venetian empire. The final piece of information which the identification of the Filelfo letter provides us with helps to establish exactly who Strassoldo was and to which family he belonged. The new Florentine inquisitor with whom Strassoldo is probably to be identified in 1428 referred to himself as 'Ludovico Bernardi'. This fact, together with his known title of 'di Strassoldo' and reference in his 'John of Paris' dialogue to a brother, the knight Francesco, all help to pinpoint the Franciscan as coming from the primary line of the Strassoldo family, a family who had their castle in the upper half of the eponymous Friulian town. This would make Ludovic one sibling in a family of at least seven children born to Giacomo di Niccolò Strassoldo and his wife Elisabetta who had married in 1394 and whose sons, the aforementioned Francesco and his brother Giovanni, inherited the wealth of the extensive Strassoldo estate in 1428–30 on the death of their uncle, Ettore di Strassoldo. Ettore had himself inherited from Bernardo *il vecchio* from whom Ludovic of Strassoldo presumably gained his patrimonial name.³¹ Given the date of his parents' marriage and the fact that their first son was born in 1395, Ludovic can probably be said to have not been born until, at the earliest, 1396. This would have made him something like forty when he wrote his 'John of Paris' dialogue.

The Strassoldo Dynasty

Like his brother Ludovic, Francesco di Strassoldo was no stranger to the east. In 1414 he had accompanied the Duke of Austria on his pilgrimage to Jerusalem and, together with others, was knighted there.³² One may conjecture as to whether his brother Ludovic began his own introduction to Greek culture at

³¹ On the Strassoldo couple, their children, and the extent of the estate together with Ettore Strassoldo's attempt to pass property to Giovanni in 1420, see Roccabruna, 'Le ducali dell'archivio', pp. 156–57. Ettore had died by December 1430: Swida, 'Regesto dei documenti', p. 79. Bernardo's line of the family was known as the Strassoldi di sopra: Spessot, 'Libri, manoscritti e pergamene', p. 96.

³² Chmel, *Geschichte Kaiser Friedrichs IV.*, p. 584, where 'Franziske Strassauer' is recorded by Frederick in his private account of his own 1436 pilgrimage as one of those knighted at the time of his father's earlier journey to Jerusalem.

the same time. Following the pilgrimage, Francesco would spend a lifetime connected with the Austrian court, chiefly in his capacity as the Habsburg-appointed *podestà* (captain) of Pordenone (1415)³³ and Trieste (in 1436/37 and 1440/42)³⁴ but also as a mercenary. With the Habsburg dukes having succeeded to the imperial title, Francesco Strassoldo also appeared at the court of Emperor Frederick III (r. 1440–93), with whose father he had journeyed to Jerusalem as a young man. As Elisabetta Barile has pointed out, Aeneas Silvius Piccolomini records having seen Francesco at the imperial court in 1445 in one of his letters.³⁵ In other sources, Francesco can also be observed busily petitioning the Venetian authorities on behalf of the Emperor for assistance to defend Trieste where he was captain in 1442,³⁶ planning a military campaign to win territory for Frederick in 1444,³⁷ and paying a tribute to his Austrian overlord as captain of Trieste in 1437.³⁸ Two years earlier it was Francesco whom Ludovic of Strassoldo asked to take his unusual version of John of Paris's tract to Emperor Sigismund.

A picture thus emerges of Ludovic of Strassoldo as a son of a locally powerful family in Friuli with connections to the Austrian and imperial courts as well as with Venice. As we shall see, at much the same time as he was militarily engaged in Trieste and elsewhere, Francesco di Strassoldo was also embroiled in a legal case disputing the family's inheritance with his brother Giovanni. This involved both the Venetian authorities and an eminent jurist from Padua University. The engagement of costly lawyers also provides a further indication of the wealth of

³³ *Fontes rerum Austriacarum*, xxiv, 165–66.

³⁴ For 1436/37, see Kandler, *Notizie storiche di Trieste*, p. 129. For 1440/42, see below. The Strassoldo family had long-standing ties with the captaincy of Trieste. A document from 1431 contained a formal deposition on their connections: Capitanio and Pillon, *Archivio Coronini-Cronberg*, p. 261.

³⁵ Barile, 'Michele Salvatico a Venezia', p. 59. Piccolomini would become Bishop of Trieste shortly after this which may explain his knowledge of Strassoldo.

³⁶ Cusin, 'Documenti per la storia', pp. 50–51.

³⁷ Langer, *Die Geschichte der Familie Thun*, v, 26–27 (with Strassoldo's letters at pp. 198–200). I have been unable to consult the article on the accounts apparently kept by Strassoldo at this time in Gnirs, *Eine Abrechnung über Ausgaben und zugehörige Einnahmen für das Söldneraufgebot Friedrichs III. im Krainer Krieg 1442–43*. The money accounted for here may well include that mentioned in an August 1442 imperial instruction to the authorities in Nuremberg to pass on money from the town's Jewish population to 'Franciscus von Strassau' in Trieste: *Regesta Imperii*.

³⁸ Tamaro, 'Documenti inediti di storia Triestina', p. 29.

the family to which Ludovic of Strassoldo belonged. Naturally, he would have had to give up any claim over that estate when he joined the Franciscan order.³⁹

Strassoldo as Franciscan Book Collector

There was one class of particularly valuable property that individuals were able to use and even collect when they became friars: books. Either through specific bequests from friends or family to purchase material for their own use or by borrowing from convent libraries, individual Franciscans were able to maintain book collections in their own cells, although this was a practice which was not exactly encouraged.⁴⁰ Ludovic of Strassoldo, however, appears to have maintained a significant private library. In addition to the material he is known to have borrowed from Cividale in 1423, he also gave Francesco Barbaro a book in 1422 and depicts himself bookishly at the beginning of both of his first two dialogues. At the start of his 'Olivi' dialogue he is portrayed emerging from his monastic cell after long hours of reading, while his 'John of Paris' dialogue begins with the Franciscan being disturbed as he studies alone there surrounded by his many books.⁴¹ The evidence from Strassoldo's peripatetic career around the Venetian Adriatic also indicates that he retained a private collection of books which he evidently took from place to place. A study of the contemporary inventories which were drawn up in the early fifteenth century at some of the monastic libraries where Strassoldo resided can be used to show how Strassoldo could have borrowed or copied material to take with him as he moved about the Franciscan and Venetian world. In none of these inventories — the one taken at Cividale in 1423, at the Santa Croce in Florence in 1430,⁴² at Padua in 1449,⁴³ and at Crete in 1417⁴⁴ — is a copy of John of Paris's work

³⁹ An indication of the extent of the possessions owned by the Strassoldo di sopra estate can be seen in the settlement between Giovanni and Francesco Strassoldo in 1441: Swida, 'Regesto dei documenti', pp. 82–83.

⁴⁰ See, for example, the petition that was required of one of Strassoldo's immediate predecessors as inquisitor in Florence, Giuliano di Luca, to have a private study built in his convent: ASF, Diplomatico: Mercatanti, 20 Nov 142x [*sic*]. On the whole subject of the Franciscans and their books, see Humphreys, *The Book Provisions*, pp. 46–76.

⁴¹ 'in quo solus sedebam multis circumfusus libris': BL, Add. 19063, fol. 11v; Ziliotto, 'Frate Lodovico da Cividale', p. 164.

⁴² Mazzi, 'L'inventario quattrocentistico'.

⁴³ Humphreys, *The Library of the Franciscans*.

⁴⁴ Hofmann, 'La biblioteca scientifica', pp. 324–46.

to be found; the other source material for Strassoldo's dialogues *were*, however, in some of the monastic libraries where the Franciscan stayed. The Santa Croce, for example, where Strassoldo would have been based as inquisitor in Florence, had especially rich holdings of Olivi's works including a partial copy of his *De perfectione evangelica* which was donated to the monastery in 1406 by the librarian (and sometime inquisitor) Tedaldo della Casa.⁴⁵ The manuscript excludes one of the *Quaestiones* which Strassoldo included in his dialogue;⁴⁶ however its inclusion in the inventory drawn up at the same time as Strassoldo was in Florence indicates that he could have used material from the Santa Croce as the source for that dialogue. If he also had access to Olivi's thirteenth question on papal resignation while he was in Florence, then he could have copied material there to fashion into a dialogue when he was in Zadar in 1431.⁴⁷

The hypothesis that Strassoldo collected material at monasteries where he was posted is supported by the inventory evidence for the work from which Strassoldo would write his third dialogue: Albertus Magnus's *Meteora*. This appears in the inventory drawn up in Padua,⁴⁸ where Strassoldo is known to have been in 1437 prior to becoming provincial minister for Greece.⁴⁹ In the Cretan monastery, however, where Strassoldo would go as minister, no copy of the *Meteora* appears in the inventory drawn up in 1417 and which, thirty years later, was updated by commissioners appointed by Venice, amongst whom was one of the men Strassoldo had portrayed in his 'Albertus Magnus' dialogue. This would suggest again that Strassoldo may have made a copy from the manuscript at *Il Santo* in Padua and taken it to Crete rather than worked from material which he had found locally.

Although the usual caveats about the reliability and accuracy of such early library inventories need obviously to be registered, the evidence from them

⁴⁵ See Heysse, 'Descriptio Codicis', pp. 251, 257–58.

⁴⁶ Two other manuscripts of Olivi's work are also extant in Florence, but these belonged to other monasteries and not to the Santa Croce: Firenze, BML, Conv. Sopp. 448 and 842. Olivi's Question XIII, on papal resignation, is missing from all three Florentine manuscripts.

⁴⁷ I know of no published inventory for the Zaratine monastery itself where Strassoldo resided. An inventory was, however, made in 1444 for the Benedictine abbey of Sv. Krševana in Zadar: Praga, 'Lo scriptorium dell'abbazia benedettina', pp. 182–89. None of the source material for Strassoldo's dialogues is mentioned in this inventory.

⁴⁸ Humphreys, *The Library of the Franciscans*, p. 307.

⁴⁹ Strassoldo served as guardian at *Il Santo* in 1437: Pesce, *La chiesa di Treviso*, p. 469. When the inventory was taken in 1449, the then guardian of the monastery had several works out on loan: Humphreys, *The Library of the Franciscans*, p. 177.

would indicate that there was at least the opportunity for Strassoldo to have used manuscripts from within the monastic libraries where he resided as the basis for his dialogues, perhaps copying suitable tract-like material when he found it for use at a later stage. He would then have taken this collection with him as he travelled around the Adriatic and elsewhere. In 1431, for example, when Strassoldo drew his first, 'Olivi', dialogue to an end he offered his readers the prospect of a sequel — a dialogue on 'royal and papal power'. He must therefore have either already had a copy of John of Paris's tract with him in Zadar or was aware of its whereabouts. We know this because, three years later, it would be John's tract that he converted into his second dialogue, telling its readers how he had made good on his earlier promise. Furthermore, in his first dialogue Strassoldo had also made a pretty unsubtle request of its recipient, Eugenius IV, to be sent east.⁵⁰ The most likely explanation for how Strassoldo could have hoped to both obey a successful response to this petition *and* keep his promise to produce a second dialogue would be if he was already in possession of a copy of John of Paris's work when he was in Zadar and was confident that, if he were sent east and suitably encouraged to write a second work, he would be able to prepare it quickly.⁵¹

The Dialogue Form

Strassoldo would certainly have had good reason to hope that his first work and proposal for a second would be well received since, as humanist dialogues, they would be written in what was then the most *de rigueur* of literary forms. Poggio Bracciolini, for instance, completed his first dialogue in 1428, while Lorenzo Valla published the first version of the dialogue that would ultimately become *De vero falsoque bono* in 1431.⁵² Strassoldo's 'Olivi' dialogue was thus written at a time when the form was enjoying great popularity among humanists, and furthermore at a time when the subgenre of the dialogue dealing with overtly moral

⁵⁰ Following the receipt of the dialogue Strassoldo was indeed recommended in July 1431 to the general of his order by Eugenius as provincial minister for the east (BAV, Reg. Vat. 370, fol. 21^r), but this proposal appears to have lain dormant until 1438 when Strassoldo was appointed provincial minister. Strassoldo clearly also had Venetian backing for the appointment in 1431.

⁵¹ Other possibilities, of course, include that Strassoldo felt he would be able to obtain a copy of John's work quickly from elsewhere, perhaps having it sent down from Venice; or that he knew a copy lay in the east awaiting him.

⁵² Marsh, *The Quattrocento Dialogue*, pp. 38, 55.

or political themes was also in vogue. During his time in Florence, Strassoldo would have had a great opportunity to have kept up to date with these literary developments. If, as seems very likely, Strassoldo succeeded like his patron Filelfo in gaining entry to Traversari's circle in the Tuscan city, then he may well have had first-hand knowledge of new dialogues like Poggio's *De avaritia*. In May 1429, when Strassoldo would have been in Florence, Traversari was sent a review copy of Poggio's new dialogue.⁵³ Only a few months later Traversari would complain of the somewhat excessive attention of Filelfo,⁵⁴ and it is therefore easy to imagine the man whom Filelfo had recommended to Traversari in 1428 also being present at the gatherings held at Traversari's monastery and both hearing about and discussing new dialogues like Poggio's.

Strassoldo would, of course, also have been occupied with his position as inquisitor based at the Santa Croce at this time, and one can conjecture that this and the absence of, or immediate need for, a patron to whom he might direct any completed work prevented him from writing himself at this time. In his letter from 1428 Filelfo had asked Traversari to pass on any work which Strassoldo might write. This would perhaps indicate that Strassoldo had already hinted at a desire to publish. That his official duties made this difficult is supported by the neat alignment between Strassoldo's first two dialogues and periods of relative respite in his career. He wrote his first dialogue in Zadar in 1431 after having probably spent the previous two years as inquisitor in Tuscany, and his second dialogue in Venice in 1434 immediately prior to becoming inquisitor there. It would appear therefore that even though, when they were written, Strassoldo's dialogues were composed at great speed, it was in the periods of respite between his inquisitorial and other official duties that he was more likely to write. The need to enlist the help of a patron in order to find a new posting also clearly provided a further impetus.

Strassoldo as Inquisitor

The nature of the inquisitorial duties which Strassoldo had to fulfil in the periods between his first two dialogues can be partly assessed, in the case of his Florentine posting, from both surviving documents for the activities of his immediate predecessors and successors and, for his time as inquisitor in the Veneto, by a series of documents for some of the cases in which Strassoldo was

⁵³ Traversari, *Epistolae*, II, 1130–31.

⁵⁴ Dini-Traversari, *Ambrogio Traversari*, p. 55.

involved there. These all present a picture of relatively low-level activity, with the inquisitor either caught up as one official in a legal system with an intricate patchwork of overlapping jurisdictions, or pursuing cases of background persecution against minorities like the Jews or individuals accused of witchcraft. Although major heresy trials did occur at this juncture, Strassoldo appears not to have ever been involved in any major case. In Florence, for example, we find no example of a case being handed over by the inquisitor to the secular authorities for execution of sentence in the period when Strassoldo would have been in office.⁵⁵ The last public execution of heretics in Florence had been when Michele da Calci was executed in 1389, and although as recently as 1424 the Dominican monastery at Santa Maria Novella had sought the right to pursue a group of Fraticelli,⁵⁶ the time that Strassoldo spent as inquisitor in the city appears to have been relatively quiet. If the cases which he heard were anything like those of the men who preceded and succeeded him in office, then they would have been characterized by being caught up in a complex web of competing courts and jurisdictions. Strassoldo's predecessor, Giuliano di Luca, for instance had proceeded against the parish rector of Gambassi, Leonardo Pauli de Montespetoli, but had seen the priest appeal the case to the *Rota romana* which had promptly found against the inquisitor. By late 1426, the inquisitor di Luca was granted leave to appeal himself, and as a precursor to that second appeal, the sentence of excommunication that had been imposed after the inquisitor had lost the first case had been lifted.⁵⁷ It is quite possible that the *Rota* auditor to whom this case had now been passed, Ludovico de Garsie, did not hear the appeal until 1427, the year before Strassoldo's arrival in Florence. This case indicates how verdicts by an inquisitor were rarely final but could be successfully appealed by those with the means to support a protracted trial through the ecclesiastical court system. A similar situation is evident in the case involving one of Strassoldo's successors, Simonetto della Marca, from late 1433. Here too actions which the inquisitor had taken against a group of Jews from Arezzo for alleged blasphemy had been appealed against by the success-

⁵⁵ I have examined the following registers covering the period during which Strassoldo was in Florence: ASF, Podestà, 4392, ASF, Podestà, 4395, ASF, Podestà, 4410, ASF, Podestà, 4423, ASF, Podestà, 4435. I can similarly find no record in the various notarial archives of the archbishop's court of cases being passed from the inquisitor to the archbishop (with whom inquisitors often co-authored verdicts).

⁵⁶ Stephens, 'Heresy in Medieval and Renaissance Florence', p. 46.

⁵⁷ ASF, Diplomatico: Mercatanti, 31 October 1426. The judge in the first appeal was the later 'Conciliar Cardinal' Giuliano Cesarini.

ful petitioning of Pope Eugenius IV. He in turn had passed the case to the Florentine canon Coluccio di Coluccio Salutati for judgement.⁵⁸

Actions against heresy which were taken under Strassoldo's immediate successor and one-time deputy, Francesco d'Alverna, also fell foul of a slightly different court process. In December 1431, a year after Strassoldo probably completed his two-year tenure as inquisitor, Alverna's notary Neri di Malaschiena attempted to reprimand and fine one Antonio di Benedetto and his wife Joanna di Nelli as well as two other couples for having suspect beliefs and practising witchcraft (*incantatores demoni*) in a document issued in the castle of Romena in the Casentino, to the east of Florence.⁵⁹ Although he was in communication by letter with the inquisitor, Malaschiena had issued the couple with an absolution in Alverna's absence and had amended the text of the document concerned in so doing. He was thus accused by the Florentine notaries' guild of having overstepped the fine dividing line between the proper duties of a notary to prepare a record and those of the principal for whom he acted to create that record in the first place. The notary was duly fined by the guild, and although it had no jurisdiction over his continued position as a notary of the inquisition, it did suspend him from acting as a notary for secular cases in Florence.⁶⁰

Alverna's absence in December 1431 can probably be explained by his presence at the Curia. Two months earlier the Florentine authorities had recommended him to the protector of the Franciscan order in Rome, Cardinal Giordano Orsini, and he was evidently still there the next spring when the city recommended him in turn to Eugenius IV.⁶¹ This in turn would suggest that Alverna had done little to offend the civic fathers in Florence either as inquisitor or, only shortly before, as Strassoldo's deputy; and this fits well with a picture of Strassoldo's own time as inquisitor in Florence itself as one of a relatively low-level case load both untrou-

⁵⁸ ASF, Diplomatico: Mercatanti, 29 October 1434 (with documents issued at first in November 1433).

⁵⁹ ASF, NA 17403, fols 5^v–6^v.

⁶⁰ ASF, NA 17403, fol. 6^v. In the Castato of 1427, Neri di Dino Malaschiena appears as a notary with taxable wealth totalling 1060 florins and at the head of a household with four mouths to feed.

⁶¹ The city wrote to Orsini on 5 October 1431 recommending d'Alverna and noting that the Franciscan was soon to be at the Curia: ASF, Signori: Missive I Cancelleria 34, fol. 30^r; and to Eugenius on 2 April 1432: ASF, Signori: Missive I Cancelleria 33, fols 65^v–66^r. The picture of Alverna spending time at the Curia because of legal cases involving the inquisitor would also fit with Strassoldo who mentions in his first dialogue having been recently in Rome. Perhaps he too had to spend time at the Curia to support cases which were before the courts there involving him as inquisitor.

bling to the city authorities and buttressed in every direction by a myriad of different appellant courts and competing jurisdictions.⁶²

Much the same appears to have been the case when Strassoldo, having been in Zadar and then Dubrovnik, returned to Venice in 1434 and became inquisitor for a vast area including much of the Veneto, Friuli, and beyond. For Strassoldo's time as inquisitor in Venice, unlike his time in Florence, a partial archive survives detailing cases that he heard in the city of Treviso.⁶³ In 1435 two cases came before the inquisitor, one involving the summoning of a Jewish man to come before the court, the other a process against an individual accused of magic who was then absolved following an investigation.⁶⁴ The same archive also provides evidence for the date when Strassoldo began his duties as inquisitor. His predecessor was still in his post on 23 November 1434 which would indicate that Strassoldo did not take up office until the end of November at the earliest and more probably early the next spring.⁶⁵ Customarily Strassoldo is reported to have become inquisitor in 1434, a date which originates in Liruti's eighteenth-century study.⁶⁶ The evidence from the Treviso archive, however, would indicate that this was much more likely to have been in 1435, and this is significant since it helps to refine what is already known about the production of Strassoldo's 'John of Paris' dialogue.

Firstly, it suggests that Strassoldo, who had returned to Venice in the summer of 1434 and is known to have finished writing his version of *De potestate regia et papali* on 1 September,⁶⁷ worked on his dialogue during a brief respite

⁶² Although based at the Santa Croce, Strassoldo does not appear in the lists of friars acting as witnesses to wills and other documents signed at the monastery during his time as inquisitor: ASF, NA 9732, d.137 (from May 1429); ASF, Mercanzia 4373, fol. 415^r. Strassoldo is similarly not among those friars elected to the committee which ran the Opera of the Santa Croce, its lay overseer, and which was connected to the merchants' guild: ASF, Mercanzia 267 (no pagination but documents at 16 September and 18 December 1428).

⁶³ Treviso, Arch. di Stato, Notarile I: 222, fols 3^r–5^r; Pesce, *La chiesa di Treviso*, pp. 469–70. A further civil case between two parties from and heard by Strassoldo's vicar, Friar Marcus of Venice, is also filed loosely at the end of the same collection: Treviso, Arch. di Stato, Notarile I: 222.

⁶⁴ Treviso, Arch. di Stato, Notarile I: 222, fol. 4^r.

⁶⁵ Treviso, Arch. di Stato, Notarile I: 222, fol. 2^r, where Luca of Siena is still inquisitor. The appointment of a new vicar on 14 February 1435 (*ibid.*, fol. 3^v) may indicate when Strassoldo took up office.

⁶⁶ Liruti, *Notizie delle vite ed opere scritte*, III, 308.

⁶⁷ For the detailed reconstruction of the genesis of Strassoldo's dialogue, see Figliuolo, 'Sul dialogo *De regia ac papali potestate*' (especially the summary at p. 242).

in his career prior to taking up his new inquisitorial post. That calm would have also provided the occasion for social visits like that of Francesco Barbaro to the Franciscan's cell at the *Frari*, which was to be commemorated (or imagined) by Strassoldo in his dialogue. Secondly, the dating of when Strassoldo became inquisitor also helps to distinguish the two different attempts which the Franciscan made to send his completed work to Emperor Sigismund. As Bruno Figliuolo has reconstructed, the notary Michele Salvatico had completed his elaborate copy of the 'John of Paris' dialogue after mid-December 1434 and by the early part of 1435.⁶⁸ Strassoldo then planned to have his brother Francesco convey the work to the Emperor, referring to himself in the letter which was to accompany the dialogue as simply a Franciscan theologian and *not* as inquisitor.⁶⁹ Only in his second set of letters, in which Strassoldo wrote to both Sigismund and his legal advisor Battista Cicala, and where he said that one Friar Jacobus was now to bring the Emperor the dialogue, did Strassoldo refer to himself as inquisitor.⁷⁰

The implication therefore is that Strassoldo wrote the dialogue during a quiet period while at the *Frari* in Venice prior to becoming inquisitor and initially thought that he could send the work to Sigismund through his brother. Having taken up the office as inquisitor, however, with all of its distant travel and other commitments, Strassoldo had to amend his plans and arrange for the completed text to be conveyed by other means. A man of comparative leisure who was able to study in his own cell, entertain visitors like Francesco Barbaro, and keep in close contact with members of his own family had become a man of affairs. This almost archetypal humanist juxtaposition of the scholarly and the worldly took place in very late 1434 or, more probably, early the following spring.

Strassoldo Family Disputes in Friuli

That Strassoldo was in close contact with a member of his family in the winter of 1434/35 before he became inquisitor is of interest because of events shortly before in the town of Strassoldo itself involving Ludovic's other brother, Giovanni. In testimony from several witnesses taken on 1 and 2 November for

⁶⁸ Figliuolo, 'Sul dialogo *De regia ac papali potestate*', p. 242.

⁶⁹ Campana, 'Un nuovo dialogo di Lodovico di Strassoldo', II, 144.

⁷⁰ The two letters are printed in Figliuolo, 'Sul dialogo *De regia ac papali potestate*', pp. 245–46. Figliuolo argues that Jacobus was Giacomo della Marca, the Franciscan reformer and soon-to-be inquisitor in Hungary and Austria, and provincial minister for Bosnia.

a case to be brought before the courts of the patriarch of Aquileia, evidence emerges of a major disturbance in the town with Giovanni Strassoldo and his associates from the upper half of the town in open conflict with two youths from the town's lower castle. Of the several witnesses to what happened, the evidence given by Katerina de Lazera, whose husband worked at Giovanni's home in the upper castle, appears to be the most reliable. She recalled that at nightfall on an evening in August, Pietro di Madrisio, who also resided at Giovanni's home, went outside to close the door and was accosted by two youths, Odoricus and Francesco. Katerina said that Pietro did not react and simply returned inside, explaining that the youths were very drunk.⁷¹ When Giovanni di Strassoldo returned from Udine late the next day matters escalated, and he and Pietro confronted the two young men. Weapons were drawn and a fight ensued at the bridge that separated the two halves of the town. Giovanni took some of those opposing him into captivity, and witnesses reported that some were tortured while others were sprung from prison by their friends and escaped by ladder from the tower where they had been held.⁷² In a final vindictive twist a few days after the initial disturbance, Giovanni's eleven-year-old son was playing with a toy sword on the bridge between the two castles of the town when Odoricus arrived and, without saying a word, toppled the child headfirst into the river.⁷³

Such then were the scenes of random violence and vendetta in Ludovic of Strassoldo's home town at the time when the presentation copy of his 'John of Paris' dialogue was being completed in Venice.⁷⁴ The case also shows the litigation with which Strassoldo's brother Giovanni was involved from November 1434 before the Venetian stand-in for the deposed patriarch of Friuli, at just the same time as Ludovic was in contact with his other brother, Francesco, with a view to having him take the 'John of Paris' dialogue to the Emperor.

Francesco does not appear in any of the witness testimony surrounding the disturbances of 1434 and was evidently absent at the time. This is no surprise given what is already known of Francesco's career as a soldier and Habsburg official. His absence from the castle of Strassoldo was also a bone of contention between

⁷¹ ASVe, Luogotenente alla Patria del Friuli 8, fols 205^v–206^r.

⁷² ASVe, Luogotenente alla Patria del Friuli 8, fols 201^r–207^v.

⁷³ ASVe, Luogotenente alla Patria del Friuli 8, fol. 207^v.

⁷⁴ On vendetta and violence in Friuli a little later in the century, see Muir, *Mad Blood Stirring*. The arguments between the upper and lower town factions in the wider Strassoldo family appear to have continued for many years. In 1468 Giovanni Strassoldo signed an accord with Odoricus and other members of his family: Swida, 'Regesto dei documenti', p. 55.

the two brothers as can be seen from a further case, which came before the patriarchal courts six or seven years later, in which Giovanni and Francesco contested their uncle's inheritance. In testimony which must have been submitted by both sides in that case and which was duly recorded by the jurist Paolo di Castro in the three *consilia* which he was asked to write on the dispute, Giovanni had clearly complained about Francesco's absence as an official in Trieste and made it a condition of an agreement that the two brothers made in Gorizia that Francesco would only receive a share of the inheritance if he returned to live in Friuli.⁷⁵ Giovanni further insisted that his brother should receive no income from the estate while he was absent and also should not remove any assets from Friuli.⁷⁶

⁷⁵ The three *consilia* are in di Castro, *Consiliorum sive responsorum*, II, fols 166^r, 172^v–173^r, 182^r–183^r. The litigants are clear from the *consilia* as being the *miles* Francesco di Strassoldo and his brother Giovanni in contest for the estate of their uncle Ettore who died in 1428–30. Castro reports that an agreement between the two brothers was made in Gorizia and witnessed by Nicolao de Goricia and Francisco de Cormons (*ibid.*, fol. 183^r). This is probably the same agreement mentioned in a letter to the counts of Gorizia on 1 December 1440 (ASVe, Luogotenente alla Patria del Friuli 11, fol. 63^v). In this, Giovanni agreed to Francesco sharing the estate subject to the condition that 'venerit ad habitandum in patria Foriuli': di Castro, *Consiliorum sive responsorum*, II, fol. 172^v. As Castro noted Francesco had still not done this but remained in Trieste where he was captain: 'quod adhuc non fecerit cum steterit et stet in officio Tergest. quae non est de dicta patria', *ibid.*, fol. 183^r. This would all indicate that Castro, who is known to have been involved with other cases before the Friuli patriarch's court at this time (ASVe, Luogotenente alla Patria del Friuli 11, fol. 25^v; di Castro, *Consiliorum sive responsorum*, II, fols 27^r, 36^v), wrote his *consilia* in late 1440 or more probably in 1441, with the case first beginning in 1440. In June of that year the court in Udine wrote to the castle of Strassoldo to inform them about a process then about to begin in Venice (some of the family's possessions may have brought it within direct Venetian jurisdiction) and that a process already before the lieutenant for Friuli was to continue: ASVe, Luogotenente alla Patria del Friuli 11, fol. 32^r. A further process must have also been heard by the court of the imperial count palatine, who found for Francesco against his brother on 27 March 1440: Swida, 'Regesto dei documenti', p. 82. The Venetian lieutenant for Friuli registered an agreement by the brothers to share their inheritance from Ettore on 16 February 1441, with Petrus Madrisio who had been at the centre of the disturbances in Strassoldo in 1434 as one of the witnesses and with one of the estate's possessions listed as 'the big house with the tower': *ibid.*, pp. 82–83. Castro's *consilia* probably post-dated this initial agreement between the brothers and the one made in December 1440, with the jurist generally supporting Francesco's case that the agreements were valid and should be enforced. Castro states that he had seen all the verdicts of the court, the exceptions, and counter-exceptions presented by the parties (di Castro, *Consiliorum sive responsorum*, II, fol. 182^r), which would indicate that a detailed process brought by Francesco against his brother for spoliation (i.e. not adhering to the agreement to share the estate half and half) was already well underway.

⁷⁶ 'stante et habitante extra patriam nullum commodum ex illis bonis perciperet, et nihil

We can also gain an even more direct insight into the attitudes of the brothers at the time from the testimony that they gave and which was recorded by the jurist Castro in order to bolster the legal points which he was making.⁷⁷ Francesco, for example, had said that Giovanni had once told him how glad he was that Francesco was about to be away in Germany as this would allow Giovanni to prosper in his absence.⁷⁸ In his lawyerly way, Castro took this as evidence of a contradiction in Giovanni's intentions, both demanding that his brother be at home in the formal agreement which the two brothers had made but also wishing him absent. Yet the statement is more likely to be an indication of how costly Giovanni found having the knight Francesco and his retinue at home in Strassoldo. Giovanni evidently resented that expense but was also reluctant to see the wealth of the family estate leaving Friuli and being paid to Francesco as an absentee lord either in Trieste, where he was at the time of the trial, or, as Giovanni had told his brother in their formal agreement, 'while you are outside of the country in Germany or Hungary as you have so often been hitherto'.⁷⁹

extraheret de patria': di Castro, *Consiliorum sive responsorum*, II, fol. 183^v.

⁷⁷ Castro's use of the testimony in the case also offers an insight into how long the dispute between the two brothers had been going on. Witnesses quoted by Castro looked back to the original intentions of the brothers' uncle who had himself evidently been reluctant to give Francesco a share in the estate. One witness recalled how an elderly Ettore di Strassoldo had told him that he had prepared everything so that both brothers would inherit ('ego aptavi omnia, quia ego reliquo D. Franci. et ser Ioannes bona mea') but had also indicated his reluctance to leave Francesco anything, explaining that 'ego possem bene denegare partem dicte hereditatis Fran. sed nolit Deus quod velim hoc facere': di Castro, *Consiliorum sive responsorum*, II, fol. 182^v. The jurist Castro seized on this statement from Ettore as evidence of his intention to bequeath his property to both of his nephews, going on to quote Saint Paul on parental duty accordingly. The lawyer was clearly impressed by Ettore apparently expressing a desire to do the right, God-fearing thing by his nephews. In the modern world we would be rather more likely to detect the reluctance in Ettore's comments. In 1420 he would also seek to leave at least one of his properties solely to Giovanni which would indicate that the remarks recalled by the witness in the later legal case represent those of a man torn between what he wanted to do and what he felt he ought to do.

⁷⁸ Castro referred to the testimony of Francesco, 'qui dicit Ser Io dixisse, quod si donec stabitis in Almania, non dabit mihi impedimentum et dimittetis me facere, spero bene facere et superlucrari etc': di Castro, *Consiliorum sive responsorum*, II, fol. 183^v.

⁷⁹ 'donec stabitis extra patriam scilicet in Almania, vel Ungaria, prout stetistis hucusque et sine urgenti necessitate sic a longe': di Castro, *Consiliorum sive responsorum*, II, fol. 183^v. As Castro noted, Giovanni had often sent grain and other supplies to Francesco in Trieste, but these were presumably one-off acts of assistance in time of war and did not represent Francesco's formal share of the estate's income. Despite the litigation of c. 1441, Giovanni outlived his

The case for which Castro wrote his *consilia* probably came before the courts in 1441 or shortly thereafter; nevertheless it provides good evidence that Francesco di Strassoldo had a long history of being an infrequent resident in his home town and of often being absent, latterly in Trieste, but prior to that in Germany or Hungary. It was north to the court of the Hungarian king and Roman Emperor Sigismund that Ludovic of Strassoldo wanted Francesco to take his completed 'John of Paris' dialogue in the winter of 1434/35.⁸⁰

Strassoldo's Mimetic and Diegetic Dialogues

How Ludovic anticipated that Francesco would visit Sigismund at his court, which spent the winter and following spring in Bratislava and Vienna, is unclear; however, Francesco may have been involved in the plans for the young Duke of Austria to emulate his father the following year by making a pilgrimage to Jerusalem. Francesco, who had travelled with the Duke's father over twenty years before, was made captain of Trieste by his son in 1436, and it would be from the city's port that the pilgrims would depart. It is also possible that the knight Francesco was in some way involved with imperial plans for military action against the Hussites or Ottoman forces. Ludovic's 'John of Paris' dialogue included much talk of the need to tackle Hussite heresy, as indeed his first 'Olivi' dialogue had.

The *De potestate regia et papali* itself began with a reference to heretical groups. In its proem, John of Paris had contrasted the error of the Waldensians with respect to the temporal power of ecclesiastics with the views of those who asserted papal pre-eminence over temporal matters. Strassoldo copied these remarks and indeed John's entire introduction into his own work verbatim, although he did convert the tract's summary chapter headings into continuous prose.⁸¹ The dialogue element of his work then began as Strassoldo described

brother and inherited his share of the estate in 1462: Swida, 'Regesto dei documenti', pp. 48–49. Giovanni died in 1469/70: *ibid.*, pp. 58–59.

⁸⁰ Sigismund spent the winter (16 October 1434 – 10 May 1435) in Bratislava and Vienna, with a short stay in Hainburg: Hoensch and others, *Itinerar König und Kaiser Sigismunds*, p. 120. Sigismund was with the Duke of Austria while in Bratislava: Baum, *Kaiser Sigismund*, p. 273.

⁸¹ John's points four, five, and six, for example, are changed from: 'Quarto. Quid sit prius tempore Regnum vel Sacerdotium. Quinto. Quod eorum est prius dignitate. Sexto. Quod Sacerdotium non est prius casualitate: ubi primo declarabitur quomodo papa se habet ad bona exteriora Ecclesiastica, quo ad Dominium' to 'Sacerdotium et si non tempore aut causalitate

the visit of Francesco Barbaro and an unnamed companion to his book-filled monastic cell in Venice. Strassoldo bade both men sit, and their talk turned firstly to Greek letters and then to the subject of the recently crowned Emperor (i.e. 1433) whom Barbaro had met as part of a diplomatic delegation and by whom he had then been knighted. The imagined Barbaro then painted a flattering picture of Sigismund which prompted him to recall that he had seen Strassoldo's earlier 'Olivi' dialogue. He now beseeched his friend to make good on the promise that had been contained within it and to expand on the topic of royal and papal power at greater length.⁸² The sense of continuity between earlier promise and later fulfilment was further reinforced by the nearly identical manner in which the central themes of the proposed dialogue and its realization three years later were summarized. At the end of his 'Olivi' dialogue Strassoldo had asserted that his next dialogue would consider 'whether papal power was subject to royal power and whether royal power was in any way subordinate (*obnoxia*) to papal'.⁸³ In his 'John of Paris' text, Strassoldo slightly modified this formula (which originated with Alexander of Hales) by replacing the references to royal power with ones to imperial. This befitted a dialogue destined for the imperial court.

With the new dialogue linked back to his earlier 'Olivi' work, Strassoldo proceeded to copy out John of Paris's text, modifying it only in order to convert it into a dialogue. John's chapter headings, for instance, would be reformulated as questions posed by Barbaro to which Strassoldo would then reply with John's discussion of the topic as if it were his own. In Chapter 17, Strassoldo

regno tamen prius est dignitate. Et quod summus pontifex ad bona exteriora clericorum non se habet ut dominus sed ut dispensator nisi in certis casibus': BL, Add. 19063, fol. 7^v. Chapter 6 of John's tract does indeed make a distinction between *dominus* and *dispensator*.

⁸² 'Cum nuper ad me pervenit dyalogus quem ad papam Eugenium scripseras de papali potestate in quo te tractatus magis prolixum de regia ac papali potestate scripturum promittis edisseras nobis.' 'Barbaro' then remarked that he desired to know more: BL, Add. 19063, fol. 12^r. Three years earlier, Strassoldo had stated, 'Scribere enim disposui, si tamen dominus vitam dederit, tractatum magis prolixum de regia et papali et imperatoria potestate': Ziliotto, 'Frate Lodovico da Cividale', p. 185.

⁸³ 'An potestas pape potestatem imperatoriam sibi subiciat et an potestati imperatorie in aliquo sit obnoxia pontificalis': BL, Add. 19063, fol. 12^r. Three years earlier, towards the end of his 'Olivi' dialogue, Strassoldo had had a nephew of Eugenius IV, Lodovico Marcello, frame the question in a similar manner: 'An potestas pape potestatem imperatoriam seu regiam sibi subiciat, et an potestati regali in aliquo sit obnoxia pontificalis': Ziliotto, 'Frate Lodovico da Cividale', p. 185. The text was itself the title of a discussion in the *Summa theologica* of Alexander of Hales, pars 3, qu. 48, mem. 1, art. 3.

also substituted the names of two Friulian towns, Gorizia and Aquileia, for the French locations used by John (Chartres and Paris). In the original text, the two towns were examples used to discuss the jurisdiction of Church and state over disputed inheritances. Strassoldo's version of this discussion was identical to John's. The renaming of the towns served only to maintain the pretence that he, a Friulian, was responsible for the text. It also gave an indication of where his instinctive interests resided: in his homeland dominated, at least historically, by the patriarchate with its ancient capital at Aquileia whose secular possessions all but surrounded the enclave of the counts of Gorizia.

The main alteration made by Strassoldo to John's text, however, was one of omission. Given that he intended to send his work to the Emperor, Strassoldo understandably omitted Chapter 21 of John's tract which dealt with the *Donation of Constantine*, questioned the translation of the eastern to the western empire, and consequently made the case for French independence from the Empire. Strassoldo also dropped the subsequent chapters in which John considered the resignation and possible deposition of the pope. Unlike John's text, the main argumentative section of Strassoldo's work would conclude with the comment by Saint Jerome that the *Donation* had been the origin of all subsequent disorder in the Church, which John had quoted.⁸⁴ Strassoldo identified Jerome as the source of the remark but, unlike John, let it stand without subjecting it to further criticism. Strassoldo then remarked that he had spoken at sufficient length on royal and papal power and declared, in typical dialogue style, that the hour was late and his and Barbaro's conversation should therefore draw to an end. Barbaro thus left, and Strassoldo remained alone in his monastic cell to reflect, he said, on his own immediate future. He imagined himself returning to Rome and also referred to the destruction caused by heretics in Hungary and Bohemia in what were both probably attempts to procure the Emperor's aid in securing his next appointment just as he had done with his earlier work for Eugenius. Both Strassoldo's opening claim that his work would show that imperial power was not subject to the pope and the absence of any corrective to Jerome's remark in apparent hostility to papal rule of central Italy were robustly Ghibelline and likely therefore to be favourably received in Vienna. By giving himself such a prominent role in his dialogue (it would almost be better to

⁸⁴ 'cum a principe Constantino secularis potestatis donatio ecclesie facta est angelorum vox aere audita est dicentium "hodie in ecclesia venenum effusus est". Verum haec describenda mordacibus beato viro Jeronimo reliquamus qui de Constantino refert quod ab eo usque in presens tempus ecclesiarum rapinae et totius orbis est secuta discordia': BL, Add. 19063, fol. 99^r.

term it a monologue such was the extent of his contribution in comparison to Barbaro), Strassoldo was also publicly identifying himself with this pro-imperial standpoint.

Strassoldo had dominated the conversation in his first dialogue in the same way, but in contrast to the 'John of Paris' dialogue, his 1431 'Olivi' work featured a greater cast of interlocutors and depicted a more appealing setting as the group of friars and select lay members of the Venetian establishment in Zadar came together in the monastery garden to listen to Strassoldo discourse and also when Strassoldo recounted the sea voyage which had led him unexpectedly to spend a winter in Ancona. As with his 'John of Paris' dialogue, Strassoldo takes a very didactic lead in the discussion and there is little room for any other speaker to express anything much beyond simply probing the master to explain or clarify his point further. The arguments that are being made are, of course, taken verbatim from Olivi or John of Paris, but the impression given by the dialogues is of a wise teacher instructing a group of more junior friars and inquisitive lay figures who are assembled around him. In the 'John of Paris' dialogue this passive role is played by Barbaro, while in his 'Olivi' dialogue the warden of Zadar, Luca Venerio, and Pope Eugenius's nephew, Lodovico Marcello, take on this position, with Strassoldo being careful to show other laymen being denied entry to hear the lofty subject of papal power discussed.

This domination of the first two dialogues by Strassoldo was in stark contrast to his third work in which the Franciscan was more comfortable giving each of his Cretan friends the chance to share the arguments which Strassoldo had copied from Albertus Magnus. Either Strassoldo had simply learned more about the dialogue form by the time he composed his third dialogue, and therefore appreciated how a community of speakers sharing out the arguments of the dialogue made for a more dramatically stimulating work, or he was consciously distinguishing between the treatment of controversial, political themes on the one hand and more prosaic ones on the other. In his first two 'political' dialogues, therefore, Strassoldo carried the arguments of John of Paris and Olivi almost totally on his own and akin to a narrator; while in his third work, his lay friends could each be shown to make lengthy arguments drawn from Albertus Magnus's work on the origins of water. In Platonic terms, Strassoldo's first two dialogues are therefore diegetic, while his third is clearly mimetic.⁸⁵

⁸⁵ On this distinction in the context of Renaissance dialogues, see Snyder, *Writing the Scene of Speaking*, pp. 106–10.

Obviously, in all three dialogues the words which Strassoldo and his friends spoke came directly from the original texts; however, it was in the nature of the dialogue form that *who* the individuals were who were portrayed making a particular argument was almost as important as what that argument was. In the case of Strassoldo's dialogues, where the entire substance of the works was copied from an earlier author, this tendency was taken to an extreme. Nevertheless, even when the priority was to have known friends or would-be friends each appear and do their turn on the dramatic stage that was the dialogue, it would still be important not to have them too closely associated with ideas that they may not in reality share. It was one of the playful, if ultimately somewhat restricting, dramatic aspects of the dialogue form that it allowed an author to ventriloquize, putting words into his friends' mouths and publicly associating them with the ideas so expressed. In 1429 Poggio explained to one of his Florentine friends how he had originally chosen different friends to take up the various parts attacking or defending avarice in his dialogue but had been persuaded to change some of the individuals so depicted.⁸⁶ Poggio's remarks indicate the care which humanists had to take when they depicted living contemporaries in conversation in their works. It was often unlikely that the friends who were portrayed in a dialogue had actually made the precise arguments that they were shown as advocating. Instead their depiction doing so might be either an attempted reflection of some private character trait known only to their friends or perhaps a playful in-joke on that same innate character (a known spendthrift appearing to argue for thrift and so on). The dialogue form, in other words, lacked a fully subjective view of the individual. Instead, the presentation of objective ideas and arguments was compressed together with the depiction of real, living personalities. How far contemporaries were able to read the dialogues in a sufficiently nuanced way to realize the distinction is a moot point. After all, we find it very easy today to distinguish clearly between an actor in a theatrical setting speaking lines written by someone else and the same actor conversing privately. Nevertheless, Poggio's comments indicate that a certain amount of care was needed when the actor and the part he or she played were so closely compressed together as could be the case in a humanist dialogue.

Strassoldo would similarly have had very good reasons to be careful about whom he represented speaking the lines that he had plagiarized from elsewhere. John of Paris's work and the Olivian texts on the limits of papal power were hardly texts that were free from controversy. It would therefore have made a lot

⁸⁶ Marsh, *The Quattrocento Dialogue*, p. 40.

of sense in his first two dialogues for Strassoldo to carry the burden of making all the arguments, and to limit his friends to supporting, bit-part appearances.⁸⁷ As we have seen, in his third dialogue, Strassoldo was more comfortable adopting the mimetic form and allowing all of his friends to be depicted speculating innocuously about hydrology.

If he was being careful to shield his friends in the first two dialogues then the price to be paid was to have himself as more closely identified with the ideas in the two plagiarized works; however, Strassoldo was either blithely unaware of the controversial nature of the arguments he was making or insouciant about the consequences. With his 'John of Paris' dialogue addressed to Sigismund he was perhaps on less shaky ground as the work could be taken, once deprived of its more Francophile sections, as a work if not directly favourable to empire, then at least supportive of secular government in general. Certainly Strassoldo himself proudly stated in his preface to Sigismund that he — or, in effect, John of Paris — had defended the royal position in the dialogue. When Strassoldo's work eventually found its way into the precursor of the Vatican Library, however, Piccolomini was in little doubt about the controversial nature of the subject matter with which it dealt and added a cautionary note to potential readers as a result.⁸⁸

Authorial Intention and the Dialogue Form

Strassoldo's choice of Olivi's tracts discussing papal inerrancy, the subject of papal resignation, and the types of oaths which popes could not rescind as the raw material for his first dialogue is even more extraordinary given that he was to send the completed work to the new pope himself. Olivi was scarcely a fully orthodox figure. Works like his commentary on the Apocalypse were

⁸⁷ There are signs of the change in Strassoldo's first dialogue. In the sections where Strassoldo is lecturing verbatim from Olivi, scarcely any other interlocutor has a significant contribution to make, whereas in the closing sequence as Strassoldo recollects his time with the new pope, Eugenius, Luca Venerio is permitted to share with Strassoldo what he knows of Eugenius's past, recording how the future pope gave up his inheritance as a young man to become a monk on the Venetian island-convent of S. Giorgio in Alga: Ziliotto, 'Frate Lodovico da Cividale', p. 188.

⁸⁸ On the route by which Strassoldo's dialogue possibly came into Piccolomini's hands, see Figliuolo, 'Sul dialogo *De regia ac papali potestate*', p. 244. To this one can add the conjectures that Piccolomini's position as Bishop of Trieste with its known connections to the Strassoldo family may have been one way that the work was acquired, as well as the fact that Soldoniero di Strassoldo worked at Pius II's Curia: Attems, *Cenni ed appunti*, p. 33.

banned, while others were known to be popular with radical elements in the Franciscan order and among heretics. The *De votis*, which Strassoldo used, had even been singled out by the inquisitor Bernard Gui (d. 1331) as being held particularly dear by heretics.⁸⁹ Despite the shadow hanging over his name, Olivi was still revered by many at the Santa Croce in Florence where Strassoldo would have resided as inquisitor. Indeed one scholar has argued that the *studium* and library there kept the flame of interest in Olivi alive throughout the long period when both his name and works remained suspect.⁹⁰ That was something which required great care. In 1440, for example, when the Franciscan reformer San Bernardino, who had himself borrowed from Olivi in his own works, wrote to ask for a copy of one of them from the Santa Croce, he helpfully suggested that the librarian might find it catalogued under a false name.⁹¹ Furthermore, the 1430 inventory entry for the copy of Olivi's *De perfectione evangelica*, which is known to have been at the Santa Croce at the time Strassoldo was at the monastery, also does not mention Olivi by name.⁹² Such caution shows us something of the standing of Olivi at the time and indicates the context in which Strassoldo, just nine years before San Bernardino wrote to the Santa Croce librarian, transcribed Olivi's work and put his words into the mouths of the characters in his dialogue; or, more specifically, into his own mouth.

Strassoldo's use of Olivi in 1431 therefore slots quite nicely into the history of the gradual rehabilitation of the Franciscan thinker, with friars at the Santa Croce in Florence and elsewhere continuing to read and revere Olivi even while his name was one to be mentioned with some caution. Whether he had consciously chosen to do so or not, Strassoldo's choice of Olivi to provide the raw material for his dialogue pulled off the trick of being able to promote Olivi's ideas while not promoting Olivi himself. By repackaging his works as a carefree humanist dialogue, Strassoldo had succeeded in laundering those works and making them potentially available to a new audience.

This was one of the dramatic benefits of the dialogue form. It allowed an author to play in a variety of ways with questions of identity. Where Poggio had depicted, for example, individuals who were known for being parsimoni-

⁸⁹ Bartoli, *Petri Iohannis Olivi*, p. 21.

⁹⁰ Manselli, 'Per la storia della cultura in Firenze', p. 342.

⁹¹ Manselli, 'Per la storia della cultura in Firenze', p. 341.

⁹² The inventory records the work as Francesco di Marchia's 'On Poverty' which is only one of the works included in the codex: Mazzi, 'L'inventario quattrocentistico', pp. 139–40; Bandini, *Catalogus codicum latinorum*, iv, 127.

ous and identified them instead with the advocacy of greed, Strassoldo had portrayed himself making arguments about papal power which were really those of Olivi whose identity thus remained masked. How far a contemporary audience would have been able to read through this ruse is unclear; however, it is worth at least registering the possibility that Strassoldo's readers at the Curia, to where he sent his first dialogue, may have been able to detect the hidden work beneath the superficial dialogue, particularly given the relevance of Olivi's arguments for debates then raging within the Franciscan order. Certainly the Latin of the Olivian tract is at jarring odds with the more humanist language of the rest of Strassoldo's dialogue, even with the amendments which Strassoldo made to Olivi's sentence structure as he went along. It is even conceivable that Strassoldo was communicating back to friends at the Curia whom he had reason to believe would be aware of Olivi's original text. It has been argued that something of this kind was the case with Piccolomini's work *De curialium miseriis* in which, like Strassoldo, Piccolomini 'borrowed' liberally from an earlier twelfth-century work but did so in the knowledge that his readers would be aware of the original work and could detect in its unacknowledged inclusion a subtle message.⁹³

Perhaps, then, what the contemporary audience for Strassoldo's 'Olivi' dialogue may have seen if they had encountered the work was the depiction of a humanist Franciscan sitting together in Zadar with a group of his fellow friars and select members of the local lay élite and reading aloud to them selections from the works of Peter John Olivi. In the dialogue form this was made to appear as if Strassoldo himself was the man responding in real time to the questions of his assembled, inquisitive friends with his own views on papal power; but reading through this superficial picture, a reader who recognized Olivi's works being spoken by Strassoldo would perceive instead a Franciscan theologian and experienced inquisitor, newly arrived at his monastery, disseminating those ideas amongst like-minded followers by reading out to them from Olivi's works. As we have seen, in his first two dialogues Strassoldo monopolizes the position of speaker, but retreats from that role in his third, non-political work. This extenuates the identification of Strassoldo himself with the ideas he is 'reading out' to his assembled friends and fellow friars. Furthermore, in one of the rare occasions when Strassoldo ever departs from the text that he is copying it is while he is arguing/'reading out' one of Olivi's conclusions on the rescinding of oaths. Strassoldo has just repeated verbatim Olivi's argument that there are certain oaths which a pope can never rescind and goes on to add how much

⁹³ Sidwell, 'Aeneas Silvius Piccolomini's *de curialium miseriis*', pp. 104–06. Piccolomini also borrowed from Poggio's dialogue on the unhappiness of princes: *ibid.*, p. 92.

he agrees with what he has just asserted.⁹⁴ In short, Strassoldo was showing his support for the ideas that he has extracted from Olivi, both by depicting himself as their putative author and by explicitly stating his agreement with them.

This is of note because of the immediate context in which Strassoldo prepared his 'Olivi' dialogue with its sections taken from Olivi's tracts on oaths. Scarcely more than six months before Strassoldo wrote his dialogue, a chapter general of the Franciscans was held in Assisi in an attempt to heal the growing rift in the order between its Observant and Conventual sides. The assembly culminated in the issuance of a set of new, stricter rules for friars, which delegates at the assembly individually swore to uphold. It is not known if Strassoldo attended this chapter personally, although he would attend similar assemblies later in his life;⁹⁵ however, the 1430 assembly did attract a large number of delegates. If Strassoldo had been among them it would fit with his known presence in Rome shortly before he left for Zadar later that winter.⁹⁶ Many of the new regulations that came out of the chapter proved to be unworkable, and Pope Martin V (r. 1417–31), Eugenius's predecessor, had controversially released several prominent friars, including the minister general Antonio da Massa, from the oaths that they had sworn at the assembly.⁹⁷ And within a few months of this Strassoldo wrote a dialogue directed to Eugenius which was full of arguments from Olivi's work *De votis* about the limits on papal power with respect to oaths.

To put this in Borgesian terms, it was one thing for Olivi to write the words he did in his tracts and quite another thing for Strassoldo to 'write' exactly those same words more than a century later against the background of the times in which he lived, just as Pierre Menard's exact transcription in the twentieth century of *Don Quixote* was quite different from Cervantes's original. Strassoldo may have made a word-for-word copy of Olivi's work, but the same words about oaths had a different significance and meaning when written by Olivi in the thirteenth century and when they were 'written' out again by a Franciscan in 1431 who, even if he had not personally been at the chapter in 1430 and sworn

⁹⁴ 'Huic tamen assertioni sic adhaereo, quod me in hac et in alijs apostolice sedis committo iudicio, cum firmiter confitear, me illud credere ac tenere de papali potestate quod sancta Romana tenet ecclesia': cited from Ziliotto, 'Frate Lodovico da Cividale', p. 184.

⁹⁵ Strassoldo was at the chapter held at Padua in June 1443 in which the then minister general was pressed by delegates not to resign: Bigoni, *L'Archivio conventuale*, p. 236.

⁹⁶ Ziliotto, 'Frate Lodovico da Cividale', p. 163.

⁹⁷ Moorman, *A History of the Franciscan Order*, p. 447.

an oath there, would nevertheless surely have known about those events and the debate that they had provoked.

As a literary form, the dialogue always allowed an author the possibility of playing, either subtly or mischievously, with an audience. The extent to which Ludovic of Strassoldo was actually aware of the benefits that the dialogue form could offer a writer is a moot point. Whether he was or not, it remains remarkable that a Franciscan writing in 1431 should have selected Olivi's texts as the basis for a dialogue from all of the other possible *tractatus*-styled works in the canon that he could have used. The choice of Olivi at this juncture as a work to present to the new pope does suggest that Strassoldo was at least partially aware of the clever, dramatic possibilities that the dialogue form had to offer both in terms of masking, or playing with, authorial identity and in depicting his own support for the arguments found in the original, unacknowledged — yet to a knowing reader still discernible — text.

The interest of Strassoldo's 'Olivi' dialogue is not then so much that it represented an act of plagiarism but that Strassoldo should have chosen to use Olivi's text at precisely the time he did and against the background of debate and controversy in his order at that time. For Strassoldo was clearly someone who gave some thought to the text which he would use when preparing a dialogue. He had clearly decided in 1431, for instance, that his next dialogue would be based on John of Paris's text and remained consistent in this objective until, three years later, a target for patronage gave him the occasion, and a break from his inquisitorial duties the opportunity, to write his second dialogue. Here too we may detect something of why Strassoldo was particularly interested in John's text and remained so over time. A common rubric (i.e. whether papal power was subject to imperial and in what way imperial power was subordinate to papal) united both the proposal for the future dialogue in 1431 and its realization three years later. In his 'Olivi' dialogue Strassoldo also provided a summary of what his proposed new work would supposedly contain. At first sight these remarks, which followed the passage in Strassoldo's dialogue copied from Olivi's *De votis*,⁹⁸ could appear to be lifted straight from another *Quaestio* which Olivi composed on the universal power of the pope. They were actually, however, copied from Alexander of Hales's *Summa theologia*, from whom Strassoldo had also taken the central rubric itself.⁹⁹ Strassoldo would have been familiar with

⁹⁸ Ziliotto, 'Frate Lodovico da Cividale', p. 185, where Strassoldo copied Olivi's fourth *regula* concerning those coerced to take a vow of chastity or poverty from *De votis*.

⁹⁹ On the question 'an potestas pape potestatem imperatoriam seu regiam sibi subiciat', Strassoldo thus copied from pars 3 qu. 40. m. 5 of the *Summa theologia* from the words

the *Summa* because of the prominent place which it held in Franciscan education. The specific sections from the *Summa* which he copied, however, had also incorporated long extracts from the work of the non-Franciscan Hugh of Saint-Victor. In answer to the first element of the rubric — whether papal power was subject to imperial — the *Summa* text which Strassoldo used included a section from Chapter 4 of Book II, Part 2 of Hugh's *De sacramentis*; whilst in the second section of Strassoldo's summary of his future dialogue, Alexander's text consisted exclusively of an extract from Hugh. The summary in this case considered, in effect, the position of prince-bishops: ecclesiastics who possessed or had been conceded secular territory and the question of whether they were able to exercise secular justice in those lands directly. The *Summa* text which Strassoldo used for this part of his summary included a long section from Chapter 7 of the same book of Hugh's *De sacramentis*.

This summary or preview of his future 'John of Paris' dialogue suggests that Strassoldo had some appreciation of the content of John's tract and knew that it too had quoted from Chapters 4 and 7 of Hugh's *De sacramentis*.¹⁰⁰ For a Franciscan scholar familiar with the *Summa* like Strassoldo, John's use of the texts from Hugh may have particularly stood out and represented a way of creating a bridge between John's text and one which he knew well like the *Summa*. He was using the texts from the *Summa* which quoted the same elements from Hugh of Saint-Victor that John of Paris had used in order to create his own summary of the future work on royal and papal power. Furthermore, the *Summa* texts were related to the specific theme of ecclesiastics who possessed secular territories, and the fact that he specifically selected them to summarize in advance of his version of John's text suggests that this was a theme of especial interest to him.

A prevailing interest in the position of prince-bishops would have been understandable for Strassoldo. He was from Friuli, after all, which had in large part been governed by the patriarchs of Aquileia for centuries. The temporal powers of the ecclesiastical patriarch had, since 1420, been exercised by Venice, which appointed a lieutenant to fulfil much of the role once filled by the patriarch's own officials. It was before this officer's court, for instance, that Strassoldo's

'Spiritualis potestas terrenam potestatem instituere habet' (itself taken from bk. II, pars 2, c. 4 of Hugh of Saint-Victor's *De sacramentis*) to 'et reconciliationem penitentium': Ziliotto, 'Frate Lodovico da Cividale', pp. 185–86. To respond to the second part of the rubric, whether imperial power was subordinate to papal, Strassoldo copied instead from pars 3, qu. 48, m. 1 of the *Summa* from the words 'quod terreni principes in terrenis possessionibus' until the end of the chapter. These also came from Hugh (*De sacramentis*, bk. II, pars 2, c. 7). Olivi also used long sections of this same text in his *quaestio* on the universal power of the pope.

¹⁰⁰ For example, in Chapters 5, 11, and 20.

brothers would bring their inheritance dispute and which would also hear the evidence of the disturbances involving Giovanni Strassoldo in 1434. When Strassoldo included the topic of the ultimate secular accountability of ecclesiastics who ruled territorial states in his summary of his future 'John of Paris' dialogue, the dispute about the patriarchate of Aquileia was also still a very live topic. The deposed patriarch continued to seek the recovery of his territorial rights throughout the 1430s, in particular by appealing to the council of Basel whose courts repeatedly found in his favour.¹⁰¹ Venice was robust in defence of its position, with advocates at the assembly like Pietro del Monte, who, like Strassoldo, would later compose his own plagiarized dialogue, recording how they were required to defend the controversial idea there that secular rulers could seek the deposition of ecclesiastics when they misruled a secular territory.¹⁰²

* * *

It is of course impossible to say whether Strassoldo was in fact interested in the legal questions surrounding Friuli's change from a territory ruled by an ecclesiastic to one ruled by a republic, but this is one of the challenges that political dialogues as a literary form present. As an essentially dramatic form, it was in their nature to play with questions of identity and sometimes to mask underlying intentions or motivations which might only be apparent to individual readers who knew either the author of the dialogue or the individuals whom he depicted personally. It is for this reason that a 'Borgesian', so to speak, approach to these texts, one that seeks to understand the circumstances in which the author of a dialogue wrote, can be useful. Against a known background, the words of a dialogue can potentially reveal a different and new meaning, even perhaps one that would have been more apparent to contemporary readers: a Franciscan writer, for example, writing a verbatim copy of Peter John Olivi's work on oaths within a few months of the 1430 chapter general; or a Friulian apparently consistently interested in the question of 'prince-bishops'.

There is a danger of course in such, by its very nature, unverifiable speculation. A significance or meaning that was never in the work could be attributed to it. In the case of Strassoldo, this danger would manifest itself in attributing complex motives to a man who was essentially a plagiarist, happy to copy three

¹⁰¹ Niero, 'L'azione veneziana al concilio di Basilea'.

¹⁰² del Monte, *Repertorium utriusque iuris*, § 'Alienatio' and 'Electio'. As David Rundle has shown, in 1438 del Monte composed a dialogue on the virtues and vices that was an extensive plagiarism of Poggio's *De avaritia*: Rundle, 'Carneades' Legacy', p. 286. Del Monte also owned a copy of the work by Pierre d'Ailly that borrowed at length from John of Paris.

works often at great speed and pass them off as his own. However, the contrary is also true. In stressing Strassoldo's plagiarism we could miss what sophistication there was in his dialogues. Strassoldo was writing 'political' dialogues, for instance, at a time when such moral themes were in vogue as a topic for dialogists to discuss. This would indicate that he had kept abreast of literary trends and sought to emulate the leading humanists of the day. This in turn would suggest that he had at least some faculty for criticism and awareness of the capacities of the dialogue as a literary form, perhaps gained from discussing new works while in Florence in Traversari's circle. Secondly, Strassoldo shows the ability in his dialogues to change stylistically and move from the diegetic to the mimetic. This too shows a certain sophistication and an understanding of some of the games that an author of a dialogue could play to shield or expose the personalities whom he portrayed or to identify himself strongly with particular ideas. The true source of those ideas could also be hidden, such that arguments by as controversial a writer as Olivi could be effectively laundered and thus made available for a new audience, or subtly detected by a discerning, old one.

If correct, this would in turn tell us something about the readership of Olivi and John of Paris in the early fifteenth century. If Strassoldo was indeed copying from Olivi and John in the knowledge that his readers might well detect the true identity of the original authors, then those works themselves must have been quite well known, even beyond their already established audiences. For Olivi at the papal curia this makes a great deal of sense. We have seen how the new Florentine inquisitor, and Strassoldo's former deputy, Alverna was there in 1431 and in contact with a prominent humanist patron like Giordano Orsini. It is therefore easy to imagine an audience for an Olivi-based dialogue at a curia populated with such men and others interested in Franciscan debates. What is more intriguing is whether something similar might hold for John of Paris at Sigismund's imperial court. Could, for instance, Strassoldo have reasonably expected Battista Cicala, the jurist at Sigismund's court to whom he intended to send his dialogue for the Emperor, to see through the surface of the text and detect not a pioneering, newly written work on royal and papal power but instead two men in Venice, one a leading humanist statesman and the other a Franciscan theologian, reading aloud to one another John of Paris's well-known work in the latter's canal-side cell?¹⁰³

¹⁰³ Cicala was Sigismund's chief legal facilitator at the council of Basel. He was often found adding legal gravitas to Sigismund's utterances at the assembly and translating into legal terms Sigismund's views on such questions as the deposition of Eugenius IV, the Presidency debate, and the dispute about whether the council should sit as nations: Palacký and others, *Monumenta conciliorum generalium*, II, 502–03, 637–43, 663.

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THEOLOGY, SACRAMENTAL DEBATES, AND POLITICAL THOUGHT IN JOHN OF PARIS: THE CASE OF THE EUCHARIST

Gianluca Briguglia*

Cur proferunt in medium quod Petrus et Paulus edere noluerunt?
John of Paris through the Eyes of Pierre Allix

In 1686 the French reformed pastor Pierre Allix published his edition of John of Paris's *Determinatio de modo existendi corpus Christi in sacramento altaris* in London.¹ Allix's edition appeared in the context of an ideological conflict, and more specifically a doctrinal and political conflict concerning the Eucharist.² Following the repeal of the Edict of Nantes in 1685, which involved the abolition of freedom of worship for Protestants in France and the removal of certain of their political and civil rights, Allix had found shelter in England. In his new environment he continued to be active as theologian, polemicist, and Protestant

* Translated from the Italian by Elisabetta Fazi. The author would like to thank the School of Humanities & Creative Arts, University of Canterbury, New Zealand, for funding the cost of the translation.

¹ John Quidort of Paris, *Determinatio fratris*, ed. by Allix. There are two modern editions of the *Determinatio*: John Quidort of Paris, *Determinatio de modo existendi*, ed. by Martin; John Quidort of Paris, *Determinatio de modo existendi*, ed. by Pattin. The former also contains references to Allix's biography. All citations will be from the Pattin edition.

² Amongst Allix's works on this theme that I have been able to consult are 'Dissertatio de sanguine D. N. Jesu Christi ad epistolam CXLVI, S. Augustini', in Allix, *Dissertatio de Trisagii origine* and the edition with translation and lengthy introduction, Bertram Ratramne, *Du corps et du Sang du Seigneur*, ed. and trans. by Allix.

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apologist and enjoyed the support of King James II (r. 1685–88).³ Allix's edition of John of Paris's work is interesting in itself not only for the brief text by the Dominican theologian but also for the *prefatio historica* in which Allix makes explicit his own position and the aim of his cultural activity.⁴ Allix does not accept the dogma of transubstantiation and argues that it did not belong uncontestedly to the Christian tradition in the way the Roman Church liked to present it. It was, he asserts, the Council of Trent (1545–63), that historical and ideological watershed, which unequivocally produced the dogma and the post-Tridentine Catholicism of the Roman Church that introduced this unacceptable *novitas* as an article of faith. Pierre Allix summarizes this dogma referring to the definition given by Cardinal Robert Bellarmine, the authoritative defender of Catholicism par excellence, in the latter's *De eucharistia*.⁵

The matter remained a source of controversy in contemporary French political and religious debates. Pierre Allix declared that he had received information about the existence of a manuscript by John of Paris from a 'vir Illustris Pontificius e Gallia', who had just written a book on this subject in French. This person was most probably the Abbot of Longuerue, Louis

³ Allix received royal permission to establish a French church following the Anglican rite for French refugees. See Larminie, 'Allix, Peter (1641–1717)'; 'Allix, Pierre', in *Dictionnaire de biographie française*, ed. by Balteau and others.

⁴ 'Cum multae sint adversus Romanensis Ecclesiae fidem de Transubstantiatione in Eucharistiae Sacramento legitimae prescriptiones, quibus tam portentosis dogmatis novitas, ac eodem negotio falsitas, nullo pene negotio evincitur; Illa tamen non inter postremas est computanda, quod scilicet ante Tridentinum Concilium tam abnorme Dogma, a nullo Concilio, quod in occiduis partibus, nullo reluctantante, pro Generali habitum sit, pro dogmate fidei propositum fuisse comprobetur. Quis enim in rerum fidei usu tam parum versatus sit, qui non capiat illico, rem esser supra omnem fidem, ut quod jam dogma Religionis Pontificiae prae est et puppis, aut plane veteribus ignoratum sit, aut vix ante superius demum saeculum, eo loco, quo jam exinde fieri solemne est, inter fidei Romanensis articulos fuerit aliquando collocatum?': Allix's introduction to John Quidort of Paris, *Determinatio fratris*, ed. by Allix, p. 1.

⁵ 'Si quis rem apud se accurate expendat, Transsubstantiationem, quam post Tridentinum Concilium pro dogmate fidei Pontificii habent, nihil aliud esse comperiet quam annihilationem substantiae panis et vini, remanentibus panis et vini accidentibus; cui annihilationi succedit Corporis Christi et ipsius Sanguinis Praesentia, sub accidentibus panis et vini. Jam enim nec formam panis et vini, aut illius materiam in formam aut materiam Corporis ac Sanguinis Christi transire statuunt ad unum omnes Pontificiae Scholae Theologi, imo nihil panis post consecrationem remanere exerte pronuntiat Bellarminus de *Euch.* L. 3. c. 18. Quid autem notius quam tale dogma veteri Ecclesiae fuisse incognitum, ac cum primum in lucem emeris, pro dogmate quod ad Christianam fidem pertineret, habitum non fuisse?': Allix's introduction to John Quidort of Paris, *Determinatio fratris*, ed. by Allix, p. 2.

Dufour,⁶ author of a volume that retraced the history of Eucharistic debates in response to a document written in 1682 by Catholic bishops in France. This exhorted Protestants to return to the Roman Church by setting out a number of common principles that could be used to establish what should be considered an element of faith, and thereby avoid further quarrels and rifts. Amongst these principles the Abbot emphasized the maxim, accepted by both Catholics and Protestants, that 'le vrai moyen de discerner ce qui est de foi, ou ce qui n'est pas, est de voir si l'article qu'on veût fair recevoir, a toûjours été crû comme étant de foi'.⁷ Since it was the bishops themselves who had proposed such an approach, the Abbot noted ironically, this method could be used to determine once and for all whether transubstantiation is an article of faith. If it were it would 'not [be] because the Council of Trent has determined it and the Lateran Council in 1215 has assumed it [...], but because it is contained in the Holy Scriptures and is understood in this sense by the unanimous agreement of the doctors and the councils that have preceded us'.⁸ The history of the Eucharistic debates in Dufour's *Traitté* is consequently an attempt to show the diverse positions of Church Fathers and theologians at the end of the Middle Ages. Near the end of the work John of Paris, 'jacobin, docteur de Sorbonne', is mentioned and the presence of a manuscript of his *Determinatio* at the monastery of Saint-Victor in Paris is noted. The Abbot associates John's 'assumptionist' position (*par assumption*) with that of Rupert of Deutz and Guy of Clevigny and quotes a passage that appears to suggest that at that time the Theology Faculty considered the positions *par assumption* and *par conversion* as equally probable.

Pierre Allix's own reconstruction of the history of the debates is intended to demonstrate that prior to the Council of Trent, and taking into account the Lateran Council's condemnation of the view of Berengar of Tours (d. 1088) that the presence of the body of Christ in the consecrated bread should be interpreted as symbolic, Church Fathers and theologians did not share a common position

⁶ [Dufour], *Traitté d'un auteur*. The treatise, published anonymously as the title suggests, was printed in England, probably with the assistance of Pierre Allix.

⁷ [Dufour], *Traitté d'un auteur*, p. 2. This principle was equally held to be true by the Catholics, who, as the author notes, 'secundum unanimum consensum Patrum'.

⁸ 'Puis donc que les Evêques de France nous ont proposé une méthode si juste, il nous faut examiner si la doctrine de la Transsubstantiation est un Dogme de foi, et le prouver, non parce que le Concile de Trente l'a déterminé, ou que le Concile de Latran en 1215 l'a supposé [...] mais parce qu'elle est contenuë dans l'Ecriture Sainte, entenduë en ce sens par le consentement unanime des Docteurs, et des Conciles qui nous ont précédé': [Dufour], *Traitté d'un auteur*, pp. 3–4.

and that transubstantiation was not always interpreted as the annihilation of the bread's substance. Allix notes the doubts of John Chrysostom, Theodoret, and even of Pope Gelasius I (r. 492–96). He commits himself, in particular, to analysing Rupert's position, which he considers the most direct precursor to John of Paris's theory. In conclusion, paraphrasing Jerome, Allix asks the reason why the Fathers of the Council of Trent, 'Proferunt in medium quod Petrus et Paulus edere noluerunt? Usque in hunc diem Mundum Christianum fuit, et tamen dogma suum proponunt Tridentini Patres, ac si absque dogmatis illius fide salus nemini possit contingere'.⁹

In this context the case of John of Paris is particularly important and compelling.¹⁰ It illustrates the changing debate in the history of the theological doctrine and within the schools and universities. On the one hand, John appears to express a position close to Protestant views of the Eucharist, or at least to some of them, and an edition of his text has, therefore, great historic significance as it provides strong apologetic and polemic support for Protestant arguments. On the other hand, given the censorship John attracted, the whole affair implicitly evidences the antiquity of the fight between alternative positions.

John's enemies, in Pierre Allix's imaginative reconstruction, are Thomist theologians similar to those who participated in the Council of Trent. First among them was Giles of Rome who presided over the commission that condemned John's views, and who, according to Pierre, identified completely with Thomas Aquinas's position.¹¹

⁹ Allix's introduction to John Quidort of Paris, *Determinatio fratris*, ed. by Allix, p. 3.

¹⁰ See also Ratramnus's *Du corps et du Sang du Seigneur* in which an analogy with his own day is quickly drawn by Allix in his introduction: 'On voit icy dès l'entrée deux choses fort remarquable, l'une que ce fut justement en ce temps-là, et dans nostre France mesme, que se forma cette grande question de l'Eucharistie, qui commença deflors à diviser les esprits: Savoir si le pain et le vin sont faits le Corps et le Sang de Jesus-Christ, veritablement et réellement, ou mystiquement et en figure', Bertram Ratramne, *Du corps et du Sang du Seigneur*, ed. and trans. by Allix, p. 2.

¹¹ 'Fateor cum eadem Quaestio ad secunda Comitia esse delata, ut sunt belli vices admodum incerte, eosdem, quos tam aequos expertus fuerat Iudices, Joannem nostrum passum fuisse iniquos: Aegidi enim Romani, qui tum Bituricensis fuit Archiepiscopus, et Thomae Discipulum in omnibus praestare se gloriabatur, ac aliorum, Thomistarum ut videtur, opera, lectione, id est professione publica, et Praedicandi jure illi interdictum fuit': Allix's introduction to John Quidort of Paris, *Determinatio fratris*, ed. by Allix, p. 54.

The Eucharistic Challenge

In the Parisian winter of 1305/06 John's Eucharistic theory was definitively condemned by an authoritative commission. The outcome for John himself was harsh. He was dealt with particularly severely and was forced to leave teaching and to give up his title of 'magister' which he had acquired only a short time before,¹² having perhaps been held back previously in his career by an earlier trial.¹³ He appealed to the pope but died shortly before reaching the Curia in Bordeaux.¹⁴

Censorship appears to have been a real professional risk for theologians and teachers. We have only to look at how the Parisian censorships of 1277 impacted upon the work of at least a generation of academics to see this.¹⁵ Such

¹² Perhaps in 1304, if the reference in the sermon 'Commendatio fratris Johannis de Parisius, quando habuit vespervas suas' is actually to our 'John of Paris': see the prefatory essay to this volume, and the discussion in the introduction to Grabmann, *Studien zu Johannes Quidort von Paris*, pp. 58–60. The sermon further notes: 'Ecce talis est bachelarius noster frater Johannes, qui multas habet gratias gratuitas scientiam eloquentiam et facundiam et alia et etiam gratiam gratum facientem, sicut clarissime potest ex actibus eius perpendi [...]. Et certe bene habet certitudinem bachalarius iste de theologia, cui debet perhibere testimonium in cathedra magistrali. Qui longo tempore non cessavit addiscere et inquirere huius veritatem. Rimatus est enim profunda difficilium scripturarum, ut melius posset attingere veritatem, quam habet testificari', *ibid.*, pp. 58–59, 60.

¹³ The first accusations against John date back to 1285–86, but the details are not at all clear. The proceedings do seem to have ended in formal censure. John certainly complained about the proceedings in a defensive note: 'Istos articulos non dixi ut mihi imponuntur, et delatores non vidi nec audiui, et depositiones petivi et non habui' (Glorieux, 'Un mémoire justificatif de Bernard de Trilia', p. 407). With regard to the text of the defence and its attribution, see Glorieux, 'Un mémoire justificatif de Bernard de Trilia'; Glorieux, 'Bernard de Trilia?'; Müller, 'À propos du Mémoire'.

¹⁴ 'Frater Johannes Parisiensis de Ordine Fratrum Predicatorum, subtilis homo et expertus in multis scientiis actuque regens in theologia, ponens de corpore Christi in sacramento altaris positionem novam et Parisius non consuetam audiri vel poni, ab episcopo Parisiensi Guillelmo de Orillac et magisteri et bachallariis theologie pluries auditus, tandem ab archiepiscopo Bituricensi Egidio et episcopo Ambianensi Guillelmo, at magistris theologicis facultatis et multis aliis viris discretis examinata eius positione, prohibitus est amplius legere et disputare Parisius. Sed ipse ad curiam appellavit et ivit, et postea ibidem obiit': Denifle and Chatelain, *Chartularium Universitatis Parisiensis*, II (1891), no. 656, p. 120. On the trial, see Miethke, 'Der prozeß gegen Meister Eckhart'.

¹⁵ Amongst the most recent works on the 1277 condemnations, see Bianchi, *Il vescovo e i filosofi*; Putallaz, *Insolente liberté*; Thijssen, *Censure and Heresy*; Bianchi, *Censure et liberté intellectuelle*; Hissete, *Enquête sur les 219 articles*. That the phenomenon of censorship should

censorship might fuel disputes between theological schools, religious orders, and those who held particular philosophical positions. The young hermit Giles of Rome, for example, who was associated with certain hylomorphic positions was prevented from teaching for about ten years but later returned to the university as a prominent theologian famed throughout Europe and ending his career as the Archbishop of Bourges. And John of Paris himself, in the first half of the 1280s, had defended the thought of Thomas Aquinas — and therefore the Dominican order to which he belonged — from the attacks of Franciscan theologians and had done so in an original way, demonstrating at the same time his independence from Thomist thinking.¹⁶ Beyond the general condemnations, the disputes between schools and between the pastoral and episcopal powers, and the intellectual power struggles of the masters that characterized the last quarter of the thirteenth century,¹⁷ the theme of the Eucharist was at the centre of more extensive debates and a constant theological and philosophical preoccupation.

The starting point and the parameters of the question were set by the declaration of the Fourth Lateran Council of 1215 reiterating the condemnation of the position of Berengar of Tours. Berengar held that Christ's presence in the sacrament was to be understood as symbolic (*in signo*), whereas the Lateran Council had authoritatively determined that Christ was contained in the consecrated bread *realiter*. This change of substance in the bread and wine, or 'transubstantiation', was a strong incentive to the scholastic debate, a real challenge to theologians and philosophers. For the majority of the masters — Giles of Rome and John of Paris included — transubstantiation was really an intellectual provocation directed at the existing conceptual and philosophical understanding; it was a kind of laboratory in which the scientific knowledge and methods of the time could be tested. It was a challenge to Aristotelianism, a system of thought which could not have anticipated such change of substance, such a creative and constructive epistemological pressure. Transubstantiation was a riddle with multiple potential solutions.¹⁸ How could a form of words uttered by a priest modify

be studied not only for its negative consequences — the halting of and putting an end to debates — but also for its positive ramifications, which historically speaking resulted in the elaboration of new topics and new philosophical positions, has been emphasized on a number of occasions by Luca Bianchi and earlier by de Libera, *Penser au Moyen Âge*.

¹⁶ See, for example, John Quidort of Paris, *Le 'Correctorium corruptorii' "Circa"*, ed. by Müller.

¹⁷ See Marmursztejn, *L'autorité des maîtres*. On the political aspects, see the chapter 'Inquire veritatem' in Briguglia, *La questione del potere*, pp. 31–48.

¹⁸ On the way the Eucharistic question contributed to the modification of certain

the substance of something? What was the link between grace and the formula used in the Eucharist? What power has a sacrament? Is it a covenant with God or a causal instrument? How should the accidents of the bread and the wine be understood in the absence of substance? What do 'matter', 'form', and 'body' mean? Eucharistic dogma posed these and many other questions. Such questions were both theological and philosophical in nature. It is not about elaborating ad hoc hypotheses, but rather an attempt to create an epistemology that takes into consideration such questions. Obviously, it is not possible to consider all such questions here, and I will limit myself to establishing a sense of the position taken by John of Paris and the nature of his relationship with Giles of Rome on this point.

As with most authors and debates during the last twenty years of the thirteenth century, Thomas Aquinas was a point of reference, even in a polemical way, and the debate concerning the Eucharist was no exception.¹⁹ It should be noted first of all that Thomas clarifies the nature of the phenomenon to be explained and its novelty with regard to the Aristotelian conceptual universe by using an Aristotelian vocabulary. Every agent acts inasmuch as an act is determined by its belonging to a genus or a species, where such determination is its form. Every natural transformation is, in this sense, formal. But God is an infinite act, and it is such infinity that allows the transformation of one substance into another.²⁰ As a consequence, the phenomenon to be explained is added,

Aristotelian concepts, see Adams, 'Aristotle and the Sacrament'; in particular, König-Pralong, *Avènement de l'aristotélisme en terre chrétienne*; Sylla, 'Autonomous and Handmaiden Science', where Sylla considers the question of the conceptual context of natural philosophy; Imbach, 'Le traité de l'eucharistie', pp. 173–94, demonstrates how the Eucharistic problem led Thomas to change the Aristotelian definition of an 'accident' from that which is inherent in its substance to that which has the capability of inhering; above all, for the topic at hand, see Imbach, 'Metaphisik, Theologie und Politik'. The most complete work on the Eucharistic debate in the thirteenth and fourteenth centuries is Bakker, *La raison et le miracle*. On the importance of the development of logical-linguistic theories, see de Libera and Catach, 'Les enjeux logico-linguistiques'; and, importantly, Rosier-Catach, *La parole efficace*. On John of Paris, see also Weisweiler, 'Die Impanationslehre des Johannes Quidort'.

¹⁹ For this generation of theologians and their connection with Thomas, see Roensch, *Early Thomistic School*; Irribaren, '*Responsio secundum Thomam*'; Robiglio, *La sopravvivenza e la gloria*.

²⁰ 'Sed Deus est infinitus actus, ut in Prima parte habitum est. Unde eius actio se extendit ad totam naturam entis. Non igitur solum potest perficere conversionem formalem, ut scilicet diversae formae sibi in eodem subiecto succedant: sed conversionem totius entis, ut scilicet tota substantia huius convertatur in totam substantiam illius. Et hoc agitur divina virtute in hoc sacramento. Nam tota substantia panis convertitur in totam substantiam corporis Christi,

as a further case, to the Aristotelian taxonomy. It demands, for this very reason I would say, a solution that is connected to that model. An understanding of divine power as an infinite act does not resolve the problem or end the matter. It simply creates new questions. If one substance can change into another substance, it is necessary to clarify what remains from the beginning of the process of transformation at its end. What connection is established, in Aristotelian terms, between the matter of bread and the matter of body, and between the form of bread and the form of body? What is 'body' and what connection is there between the form and the matter of the subject?

If the use of Aristotelian terms is accepted, it becomes necessary to understand not only how the matter of bread changes into the matter of the body of Christ, but also how the form of bread changes into the form of the body of Christ. Matter, after all, does not exist without form. According to Thomas, in a human being form coincides with the intellective soul. What is at stake, then, is a key point in the new Aristotelian-Thomist anthropology: the idea that there is only one form in relation to human beings, and that that form is the intellective soul. Such a concept conflicts violently with a Franciscan-Augustinian anthropology, which postulates human beings are composed of a plurality of forms. Matter and form can only be separated at a conceptual level, and the oneness of the form in a compound leads to an important clarification:

One has to know that in this sacrament something about Christ is present in two ways. First by virtue of the sacrament. Second as a natural concomitance. By virtue of the sacrament, whatever is transformed from the pre-existent substance of bread and wine is present under His own species, as it is explained in the effective words of the formula used in this sacrament, as well as in the other variations, as when one says *this is my body*, or *this is my blood*. By natural concomitance, what is really combined as the final result of the above transformation is present in this sacrament. In fact, if two things are really combined, where one is really present, then the other one must be there too. In fact it is only via an abstraction, that things that are really combined, get separated.²¹

et tota substantia vini in totam substantiam sanguinis Christi. Unde haec conversio non est formalis, sed substantialis. Nec continetur inter species motus naturalis, sed proprio nomine potest dici *transubstantiatio*: Aquinas, *Summa theologiae*, III, q. 75, a. 4, 'Utrum panis potest converti in corpus Christi', p. 168.

²¹ 'Sciendum tamen quod aliquid Christi est in hoc sacramento dupliciter: uno modo, quasi ex vi sacramenti; alio modo, ex naturali concomitantia. Ex vi quidem sacramenti, est sub speciebus huius sacramenti id in quod directe convertitur substantia panis set vini praeeexistens, prout significatur per verba formae, quae sunt effectiva in hoc sacramento sicut et in ceteris: puta cum dicitur, *Hoc est corpus meum*, *Hic est sanguis meus*. Ex naturali autem concomitantia est in

The bread does not change *ex vi sacramenti* into the soul of Christ nor even into his divinity. Nonetheless the soul, as form, and the divinity, as associated with the body of Christ, are present in the consecrated bread *ex concomitantia*. In this way, the case of transubstantiation would seem therefore to end precisely with a reassertion of the Aristotelian-Thomist anthropology. The objection to the Aristotelian taxonomy, represented by the sacrament, translates into a confirmation of the relationship between matter and form and in the re-establishment of the principle by which matter does not exist *realiter* without form. Theologians are therefore left with a certain idea of the 'body' that challenges the hypothesis that there is a plurality of forms in a human being. The relationship between the substance, that is to say the body of Christ, and the accidents, that is to say the visible and tangible species of bread and wine that would be present in the absence of their actual substance, remains unexplained.

Thomas uses two distinct, albeit intertwined, principles that refer to two types of causality. First, a principle adopted from the *Liber de causis* that Giles of Rome would employ not only in his Eucharistic doctrine but also — and this is particularly interesting — in his political theory: the first cause can produce its own final effects both through secondary causes, that is, in an ordinary way, and directly. God, as first cause, can make use of the established order, but he can also intervene directly, by seeing that the accidents remain despite the absence of their substance.²² God, as first cause of the substance and the accident, can preserve the accidents of something even if its substance is removed because of his absolute power. Similarly he can produce an effect in the absence of its natural cause (as when he created Christ in Mary's womb).

The order of the causes and the divine power are therefore concentrated on a specific event, a sacramental and epistemological problem. The focal point is the relationship between the accident and the substance which Thomas tried

hoc sacramento illud quod realiter est coniunctum ei in quod predicta conversio terminatur. Si enim aliqua duo sunt realiter coniuncta, ubicumque est unum realiter, oportet et aliud esse: sola enim operatione animae discernuntur quae realiter sunt coniuncta': Aquinas, *Summa theologiae*, III, q. 76, a. 1, p. 178. See also Aquinas, *Summa contra Gentiles*, IV, c. 64, p. 206.

²² 'Et ideo relinquitur quod accidentia in hoc sacramento manent sine subiecto. Quod quidem virtutem divina fieri potest. Cum enim effectus magis dependeat a causa prima quam a causa secunda, potest Deus, qui est prima causa substantiae et accidentis, per suam infinitam virtutem conservare in esse accidens subtracta substantia, per quam conservabatur in esse sicut per propriam causam: sicut etiam alios effectus naturalium causarum potest producere sine naturalibus causis; sicut corpus humanum formavit in utero Virginis sine virili seme': Aquinas, *Summa theologiae*, III, q. 77, a. 1, p. 194. This is more about an interpretation of the first principle of the *De causis*.

to resolve by close examination and modification of Aristotelian ontology. The 'quantitas dimensiva' of bread, which is an accident, can adopt the role of substratum for the other accidents, their 'subiectum', and therefore becomes a guarantee of the persistence of the accidents of bread and wine, configuring a different relationship between the accidents and a different internal hierarchy. The first 'subiectum' of colour is the surface, and this order of accidents makes it possible to think of a new relationship amongst the accidents in the consecrated bread.²³

Giles of Rome and John of Paris: Theology and Politics

If a theologian of the first rank, such as Henry of Ghent, did not hesitate to suggest that Aquinas's position approached the heretical, it is not surprising to find the young Giles of Rome amongst those who, in Henry's view, 'deny Christ implicitly'. In the second half of the 1270s, Giles wrote the *Theoremata de corpore Christi*, which adopted an Aristotelian perspective.²⁴ This work agreed with some elements of Thomas's position, although Giles's views did not correspond

²³ One example of reaction to Thomas's position is the somewhat apocalyptic thesis developed by Henry of Ghent (c. 1285): Henry of Ghent, *Quodlibet IX*, ed. by Macken, q. 8, pp. 152–90. In his opinion, modern heresies do not induce believers to say 'I deny Christ', as was the case in the days of the martyrs; instead, they induce beliefs that implicitly deny Christ. The notion of the 'body' may involve such dangers. 'Body' may mean either 'mathematical body', that is, the matter subject to the form of corporeity and to the quantitative dimensions, abstracted from the sensitive qualities, or the 'natural body', that is, matter associated with natural form, with the quantitative dimensions that are not abstracted from the sensitive qualities. This means that the body is not determined by the intellective soul and that corporeity does not derive from the rational soul. It has instead its own form rather than the soul produced by the free will of the divine power. It is the *forma corporeitatis* as distinct from the soul. This autonomous form organizes the various sensory and vegetative activities, and it is the point of balance and stabilization of a plurality of activities within the composite that, in this sense, can be defined as a 'body'. It is for this reason that the body of Christ was not subject to a radical redefinition during the three days of his death, because the form of corporeity, unlike the rational soul, does not abandon the body immediately. So even the formula of the consecration of the bread 'This is my body' would have been valid during the days in which Christ was dead, and it is the form of the corporeity that is the ultimate term of the Eucharistic transformation. To think, as Thomas did, that the rational soul of Christ is present *ex concomitantia* in the Eucharist is incorrect and dangerous, because Thomas's Aristotelian assumption that there is a unity of form is itself incorrect.

²⁴ Giles of Rome, *Theoremata de corpore Christi*. For a detailed discussion of Giles's position, see Bakker, *La raison et le miracle*; Adams, 'Aristotle and the Sacrament'; Plotnik, *Hervaeus Natalis OP*.

entirely with those of Aquinas, which he found in parts problematic. Specifically, the presence *ex concomitantia* of the rational soul did not convince Giles, who, in order to resolve the question, concentrated instead on a different definition of 'body', or, better yet, on the multiple definitions that can be assigned to the 'body'. For Giles the body can be understood to have three dimensions (*trina dimensio*), or 'corpus nominat compositum ex materia et forma corporeitatis: et sic corpus est genus ad quodlibet animal', or even 'corpus dicit ipsam materiam'.²⁵ The last two definitions summarized the Avicennian distinction, developed by Thomas, between *corpus genus* and *corpus pars*. The *corpus pars* indicates organized matter which can be understood to include its own quantity and to exclude the form, or as including only the essence of matter. Here matter is to be understood as tending to acquire 'a quantitative mode'.²⁶ A quantitative mode makes dimension possible but, preceding it as it does, does not coincide with it. Matter is potentially a compound and it is into this matter that the substance of the bread changes.²⁷ The compound that is the bread changes into matter, and it is therefore possible to think that the matter and the form of the bread can be converted 'by the divine power' into the matter of the body of Christ, thus abandoning the idea of the presence of the rational soul of Christ *ex concomitantia* but retaining the idea of a single form.

Matter has in itself the capability of bonding with the spiritual, where the spiritual is to be understood as a formal principle, an ordering activity, while at the same time not being able to transform itself into the spiritual. As Giles points out in his attack on those who believe in a plurality of forms in the human body, even if one could think of multiple forms in man, one would also need to think about an order amongst them: 'est ordo in formis, quia corporalia ordinantur ad spiritualia, sensibilia ad intelligibilia, naturalia ad supernaturalia, et universaliter ea, quae educuntur de potentia materiae, videntur esse materialia,

²⁵ Giles of Rome, *Theoremata de corpore Christi*, prop. 26, p. 16, col. 3.

²⁶ 'materia organizata potest dupliciter intelligi. Uno modo, ut includit partes quantitatis, et sic, si dicit corpus, tale corpus idem est quod materia quanta [...]. Secundo modo potest accipi materia organizata, ut includit solas partes matheriae, absque partibus quantitatis: et quia tales partes solam essentiam materiae dicunt, materia sic accepta solam essentiam materiae nominat: ideo corpus, quod nominat materiam sic organizatam, non dicit nisi solam materiam, prout competit ei quidam quantitativus modus': Giles of Rome, *Theoremata de corpore Christi*, prop. 28, p. 18, col. 2.

²⁷ 'Si ergo in solam materiam existentem in Christo convertatur panis substantia, in rem compositam converteretur': Giles of Rome, *Theoremata de corpore Christi*, prop. 30, pp. 19–20.

et habere quendam potentialem ordinem ad spirituales substantias'.²⁸ On the other hand, Giles's position, in relation to that of Thomas, remains unchanged regarding the general framework of the idea of oneness of form and its defence and when it came to the intervention of the divine power in the play of causes and to the Thomistic retention of the accidents of the bread and the wine: 'quicquid potest deus mediante creatura, potest non mediante illa'.²⁹

John of Paris was not satisfied with these explanations. He moved from a position that was close to the Thomist one in his commentary on the *Sentences* (c. 1292–94)³⁰ to an extremely innovative position in the *Determinatio* of 1305 (which we will focus on below). It is arguable that John deals with the question as a variation on, or as an analogy of, the Christological problem, assigning a clearly dualist character to the whole issue. It is not simply a question of understanding how one substance changes into another, retaining the accidents of the first; the problem is, primarily, one of understanding the relationship that exists between the body of Christ and the substance of the bread. The logic of the problem shifts towards Christology. At the same time, the language and the ideas John uses to comprehend the phenomenon remain in consistent dialogue with contemporary hypotheses and developments. Christological language is already evident in John's setting out of the problem:

The fact that the substance of bread remains under its accidents in the Sacrament of the Altar can be understood in two ways. One way is as follows: In the Sacrament of the Altar the substance of bread remains under its accidents in its own proper supposit (*suppositum*). And this would be false, for then there would not be any common sharing of names (*communicatio idiomatum*) between the bread and the body of Christ; nor would it be true to say, 'Bread is the body of Christ'; nor that, 'my flesh is bread indeed'. A second way is as follows: The substance of bread remains under its accidents, not in its own proper supposit, but rather as drawn in the existence (*esse*) and into the supposit of Christ, so that there be one supposit in two natures. In this [second] way it is true that the substance of bread remains under its accidents in the Sacrament of the Altar.³¹

²⁸ Giles of Rome, *Theoremata de corpore Christi*, prop. 31, p. 20, col. 1.

²⁹ Giles of Rome, *Theoremata de corpore Christi*, prop. 37, p. 25, col. 1. This does not change the nature of the accidents, which, according to Thomas, is the ability to inhere in a substance.

³⁰ For a thorough discussion, see Bakker, *La raison et le miracle*, pp. 255–62.

³¹ 'quod substantiam panis manere sub suis accidentibus in sacramento altaris dupliciter potest intelligi: uno modo sic quod substantia panis in sacramento altaris sub suis accidentibus maneat in proprio supposito, et istud est falsum, quia non esset communicatio idiomatum inter panem et corpus Christi nec esset verum dicere panis est corpus Christi nec *caro mea vere est*

We have here two natures in one object and the mystery of their co-presence. This is, in principle, plausible since 'body' and 'corporeity' do not coincide, and the problem of the Eucharist is therefore precisely the problem of understanding the way in which these two natures relate to each other:

For this explanation posits two corporalities in the Sacrament of the Altar, namely, one of bread and one of humanity, because it posits there humanity and breadness. Yet it only posits there one body, because a body is not corporality, but something having corporal characteristics. There is, then, only one thing there which has corporality because there is only one supposit.³²

After the act of consecration, the bread undergoes a change, precisely by virtue of its assumption into the body of Christ, yet the continuity of its 'breadness' can be understood in the same way as one comprehends the identity of the body of Christ in the Paschal Triduum: 'licet in corpore Christi vivo et mortuo sit alia et alia eccleitas seu forma corporeitatis'.³³ So the notion of body and its differentiation from 'corporeity' is key. John reuses the Avicennian differentiation present in the work of Thomas and Giles to define the body part and the body genus as follows:

About this we know through Avicenna, *Metaphysica* Book 5, chapter 3, that body is spoken of in two ways: in one way we speak of body which is part (*pars*); in another way body is a *genus*. Body that is called part is composed of matter and form, as it is the subject of three dimensions not taking into account any further perfections. Taken in this way body is not predicated of mankind, but rather is called my body, or the body of Christ. Body taken as a *genus* is composed of matter and form, as it is the subject of three dimensions taking into account its further perfections. Considered in this way body is predicated of mankind and is not called my body or

cibus; alio modo ut substantia panis maneat sub suis accidentibus, non in proprio supposito, sed tracta ad esse et suppositum Christi, ut sic sit unum suppositum in duabus naturis. Et sic est verum substantiam panis manere sub suis accidentibus in sacramento altaris': John Quidort of Paris, *Determinatio de modo existendi*, ed. by Pattin, pp. 190–91; English translation: John Quidort of Paris, *Determinatio de modo existendi*, ed. by Martin, p. 226.

³² 'ista positio ponit in sacramento altaris duas corporeitates, scilicet panis et humanitatis, quia ibi ponit humanitatem et paneitatem, sed tantum ponit ibi unum corpus, quia corpus non est corporeitas sed habens corporeitatem. Ibi autem est unum habens corporeitatem, quia est ibi unum suppositum tantum': John Quidort of Paris, *Determinatio de modo existendi*, ed. by Pattin, p. 191; English translation: John Quidort of Paris, *Determinatio de modo existendi*, ed. by Martin, p. 226.

³³ John Quidort of Paris, *Determinatio de modo existendi*, ed. by Pattin, p. 191.

that of Christ, but the body that I am. Hence there is the body of which I am, that is body as *genus*; and my body, that is body as part.³⁴

By introducing this distinction, John is able to explain how the body part can work as a substratum of breadness and corporeity. What John proposes is that we should consider the bread as assumed into the body of Christ, through the mediation of corporeity. He postulates, that is, that divine intervention acts upon both bread and body, by establishing a relation similar to the one between types of accident and substance, that is the quality (which is an accident that cannot inhere directly) and the quantity (which is an accident that inheres directly) and the substance. Through the act of consecration the bread changes in accident, in *paneitas*, otherwise it would not be assumed into anything else.³⁵ In a certain way this depends on corporeity, as much as the colour inheres in a subject through a surface and both of them communicate and share their own characteristics in an exchange of attributes (so much so that one can say 'superficiatum est coloratum'). In the same way, if the *paneitas* is assumed by the corporeity of the Word, one will be able to say 'the bread is the body of Christ', the body being understood here as obviously referring to the body part. The mediation of the corporeity in the assumption of the bread into the Word excludes, however, the possibility of affirming 'the bread is God', which would be untrue. The consecration of bread therefore determines a new order between accidents and substance.³⁶

³⁴ 'Circa quod sciendum est secundum Avicennam v^o Metaphysicae, capitulo 3^o, quod corpus dicitur dupliciter. Uno modo dicitur corpus quod est pars, alio modo corpus quod est genus. Corpus quod est pars dicitur compositum ex materia et forma ut est subiectum trium dimensionum cum praecisione perfectionum posteriorum, et tale corpus non praedicatur de homine et dicitur corpus meum vel corpus Christi. Corpus vero quod est genus dicitur compositum ex materia et forma ut est subiectum trium dimensionum non cum praecisione perfectionum posteriorum et tale praedicatur de homine, et dicitur non corpus meum sed corpus quod ego sum vel quod est Christus. Unde *est* corpus quod ego sum scilicet corpus genus *et* corpus meum scilicet corpus pars': John Quidort of Paris, *Determinatio de modo existendi*, ed. by Pattin, p. 193 (my emphasis); English translation: John Quidort of Paris, *Determinatio de modo existendi*, ed. by Martin, p. 228.

³⁵ 'Natura enim panis assumpta a Verbo, et universaliter natura assumpta ab aliquo, ratione assumptis habet modum accidentis': John Quidort of Paris, *Determinatio de modo existendi*, ed. by Pattin, p. 191.

³⁶ 'Est igitur ordo accidentalis inter accidentia tracta ad esse eiusdem subiecti, unum mediante alio. Et consimilis est ordo inter paneitatem et corporeitatem mediante qua paneitas assumitur ad suppositum Verbi. Dato etiam quod esset ordo essentialis inter duo accidentia tracta ad esse eiusdem subiecti sicut inter quantitatem et qualitatem, tamen illum ordinem

In this way the bread is assumed into the body of Christ, since ‘panis enim est transsubstantiatus vel conversus in corpus Christi, quia secundum Aristotelem, v^o Metaphysicae, capitulo “De substantia”, substantia maxime dicitur de supposito. Suppositum autem panis non manet sed transit in suppositum Verbi, in quantum panis trahitur ad esse et suppositum Verbi’.³⁷ In the same way as the Word took on the human body in the Incarnation, so too the body of Christ assumes within his substance the breadness of the bread. In this way one can talk not only of Incarnation, but also of impanation.

John’s approach was both daring and dangerous and was the subject of criticism from diverse sources.³⁸ This was not, however, a matter of a Thomist plot or a dispute between free thinkers on the one side and obtuse censors on the other, as Pierre Allix was to suggest more than three centuries later when editing John’s treatise. Why then did John write this brief *determinatio* as he was certainly aware of the novelty of his approach and the difficulties it posed? That is exactly what one of the two twentieth-century editors of the treatise, John Hilary Martin, asked himself. Martin’s answer was that the *determinatio* was primarily written for pastoral or, I would suggest, pedagogical purposes. Perhaps, as Martin suggests, new forms of nominalistic thinking may have created to some extent an expectation for new explanations and new ways of interpreting that miraculous shift of substances. In short, we could perhaps speak of a new epistemology of the miracle. Even in the absence of truly nominalistic language in John’s treatise, ‘if the only reality outside the mind is the individual

Deus posset suspendere saltem secundum actum, licet non forte secundum aptitudinem. Sic etiam dato quod panis et corporeitas secundum se nullum habeant ordinem, Deus tamen potest eis dare ordinem quem secundum se non haberent. Igitur paneitas et corporeitas vel habent accidentalem ordinem, vel si nullum habent ordinem, Deus eis potest dare ordinem, sicut accidentibus potest auferre ordinem secundum actum’: John Quidort of Paris, *Determinatio de modo existendi*, ed. by Pattin, pp. 192–93.

³⁷ John Quidort of Paris, *Determinatio de modo existendi*, ed. by Pattin, pp. 199–200.

³⁸ A very early reaction appears in Engelbert of Admont, ‘*Tractatus de corpore Domini*’, ed. by Fowler. Engelbert might have received a copy of John’s treatise soon after it was written from William of Brescia, Pope Clement V’s physician, as suggested by Ubl, *Engelbert von Admont*, pp. 194–95, who singles out, amongst the philosophical-theological problems at the core of John’s position, the idea that the Word may take on a non-sensate nature (like bread or a stone), that *esse* and the *essentia* can really be distinguished only in a creature, that the *essentia* of the creature is separate from its own being (that is the *paneitas* of the bread) and is assumed into humankind, and that in Christ ‘non est nisi unitum esse et quod natura assumpta trahatur ad esse assumptis’. For brief discussion of the real distinction between *esse* and *essentia*, see Cunningham, ‘The “Real Distinction”’.

object, as the nominalist insists, it certainly makes more sense to say that in the Eucharist the whole individual bread is drawn into the Person of the Word than to insist that there is some mysterious entity within bread, distinct from its accidental qualities and distinct from its extension, which is then transformed into another mysterious entity called the substance of the body of Christ.³⁹

The hypothesis is certainly attractive. What we note here, however, is the existence of a kind of conceptual solidarity between thinking about the Eucharist and more general ecclesiological-political thought. It is interesting to note, for example, how some of the ideas used by Giles of Rome in his *De ecclesiastica potestate* were shaped in the course of the Eucharistic debate and how they evolved over time from theology to politics. The idea that God can act directly through secondary causes, for example, is an interesting variation — perhaps it would be better to say a correction — of a principle outlined in the *Liber de causis*. This key principle is developed in the course of Giles's explanation, following Aquinas,⁴⁰ of divine intervention in the Eucharistic transformation and is the exact opposite of the philosophical error — previously denounced by Giles in 1272 — that stated 'quod Deus non posset facere accidens sine subiecto'.⁴¹ Papal prerogative, indeed the very nature of the papal role, is itself closely linked with this theological and metaphysical principle, a principle exemplified in the Eucharistic problem. The pope's power is understood as analogous to divine power, with the prerogatives of the first cause and its relationship with the secondary causes.⁴² John of Paris, on the other hand, calibrates his explanation differently in a way that is clearly linked to a Christological vision of the Eucharist. Incarnation and impanation are tied together in an extremely original and effective way. In my view, this results in a close connection between John's Eucharistic thought and the ecclesiological problem — and therefore the political problem — which John had dealt with only three years before developing his Eucharistic

³⁹ Martin, 'The Eucharistic Treatise', p. 214.

⁴⁰ Thomas, for example, uses the first proposition of the *Liber de causis* this way in the treatise on the Eucharist, where he weakens its Neoplatonic sense in opposition to those who state that accidents cannot remain when the substance is removed: 'sicut dicitur in libro de Causis, effectus plus dependet a causa prima quam a causa secunda. Et ideo virtute Dei, qui est causa prima omnium, fieri potest ut remaneant posteriora, sublati prioribus', Aquinas, *Summa theologiae*, III, q. 75, a. 5, p. 17. The same principle, as we have seen, may be found *ibid.*, III, q. 77, a. 1, p. 194.

⁴¹ Giles of Rome, *Errores philosophorum*, ed. by Koch, trans. by Riedl, c. 2, p. 12.

⁴² See, for example, Giles of Rome, *On Ecclesiastical Power*, ed. and trans. by Dyson, part 3, c. 9, p. 362.

ideas.⁴³ In some ways, it is almost the opposite process to that which took place in the case of Giles of Rome, a movement of concern from ecclesiological to Eucharistic matters. John's political dualism, which is by no means a 'middle way' between opposing positions,⁴⁴ is in fact itself highly original. Its starting point is the dual nature of the human, and above all of the political body, in explaining which Aristotelian ideas are essential but not, in themselves, sufficient. Starting with the sacrament of consecration by which a priest was created, John establishes a system of definitions,⁴⁵ often derived from Aquinas's *Summa contra Gentiles* which allows him to understand both the sense and the nature of the possible duality of the body of Christ, which is the Church composed of all those baptized, clergy and laymen.⁴⁶

With great originality, John transfers to the political domain the Christological theme at the heart of his conception of the Eucharistic transformation, the idea of the co-existence of two natures, human and divine, in the incarnate Christ, and the relationship between body and bread in the Eucharist. Even his approach to the debate on papal power in *De potestate regia et papali* is Christological, since it refers to the two natures of Christ, man and God, in order to establish what had been really transferred to Peter, of whom the pope was the successor, and, therefore, what actual powers the pope now possessed.

⁴³ At least in relation to the last recension of *De potestate regia et papali*. Concerning the various recensions of the treatise and hypotheses concerning dating, see Ubl, 'Johannes Quidorts Weg zur Sozialphilosophie'.

⁴⁴ Concerning the idea that *De potestate regia et papali* occupied a middle ground, see Briguglia, *La questione del potere*, pp. 31–48. The phrase *via media* with respect to John's political work finds a forerunner, and probably its origin, in the opinion expressed by Cardinal Robert Bellarmine about John in Bellarmine, *De summo pontifice*, ed. by Giacon, pp. 114–15.

⁴⁵ See, for example, *De potestate*, c. 2–6 (Leclercq, pp. 178–89; Bleienstein, pp. 78–96).

⁴⁶ It is, incidentally, worth noting that the whole question of Thomism in John's political thought needs to consider not only his use of Thomist sources but also their actual use. In Chapters 2 and 3 of John's treatise, which are key to his system of definitions, John makes important use, for example, of Aquinas, *Summa contra Gentiles*, IV, c. 56, c. 74, and c. 76. These chapters are concerned with the nature of the priesthood and the sacraments. John includes Aristotelian 'political' material drawn from Aquinas's *De regno*, but there are some significant omissions. While one cannot help but notice John's closeness to Aquinas, the 'political interpretation' is entirely different and very much John's own. We are dealing then with a 'Thomism' that is far from straightforward and which cannot be taken for granted. For some introductory remarks on this topic, one that, in my opinion, has not yet been fully explored, see Griesbach, 'John of Paris'. Griesbach notes, in particular, the freedom with which John omitted remarks made by Aquinas.

One of clearest aims of John's ecclesiological-political project was to avoid any undue *communicatio idiomatum*, that is, any mistaken understanding of shared powers between Christ, Peter, and the pope.⁴⁷ He focuses attention here on the double nature of Christ and the effective humanity of the power that Christ has given to Peter, a power which can in no way exceed the power of Christ as a human being. Viewed from this perspective, Giles's political theories — or at least some of his lines of argument — seem to arise from the sharpening of ideas developed in contemporary sacramental and metaphysical debates. In John, on the other hand, Eucharistic theory seems to present itself as a last, audacious stage in the elaboration of the theme of the two natures that already had been the object of reflection and close examination in his political ecclesiology. It is therefore an irony of history, or perhaps it might be better to say, of the interweaving of disciplines and institutions, that it should be Giles of Rome — who in 1303 had supported the temporarily defeated papacy with his impressive political-ecclesiological treatise — who was to determine with his censure the defeat, at least temporarily, of John of Paris's Eucharistic ideas.

⁴⁷ The topic appears in Chapters 7 and 13. The expression 'communicatio idiomatum' appears only once: *De potestate*, c. 9 (Leclercq, p. 194; Bleienstein, p. 105).

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